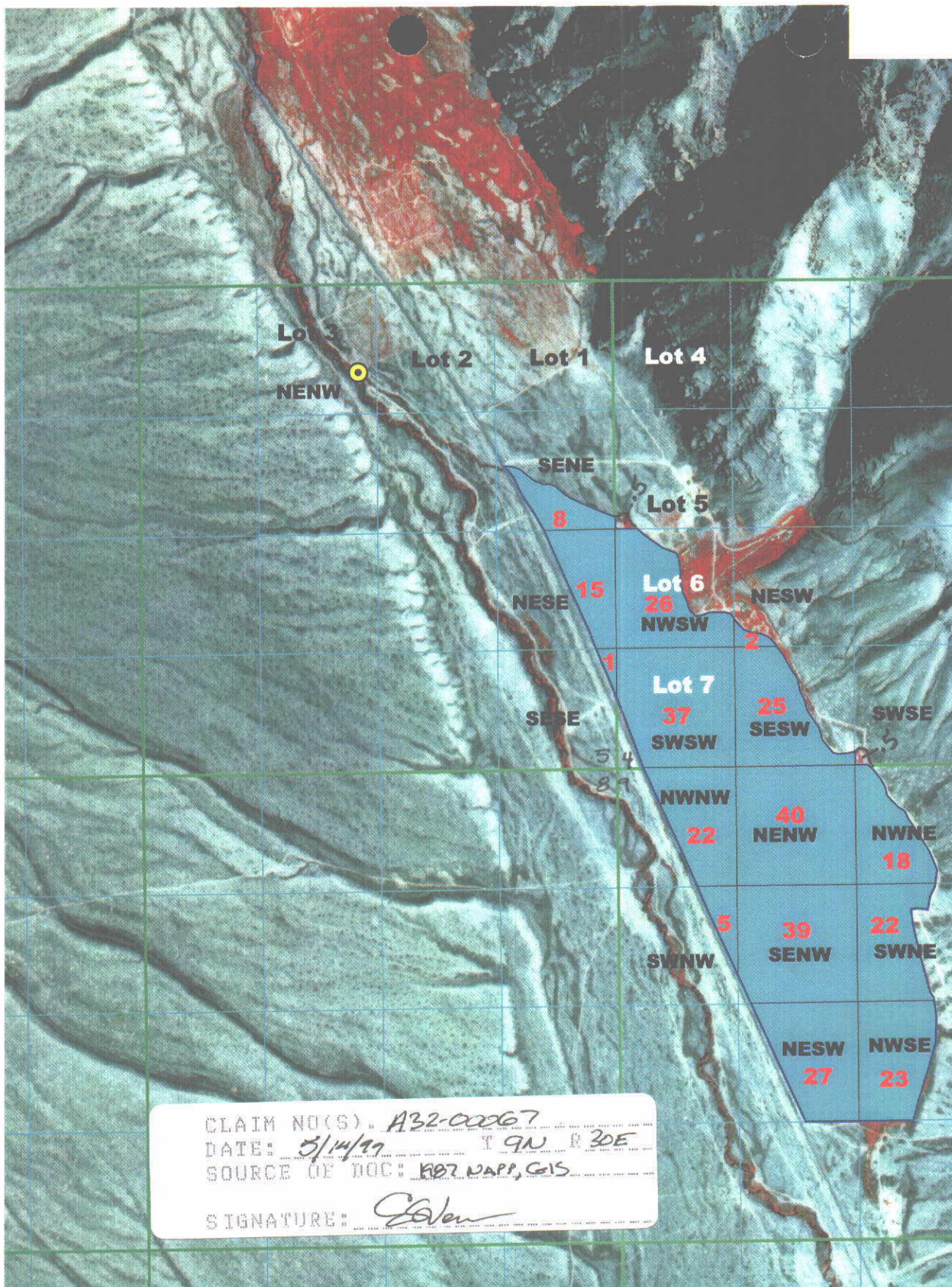
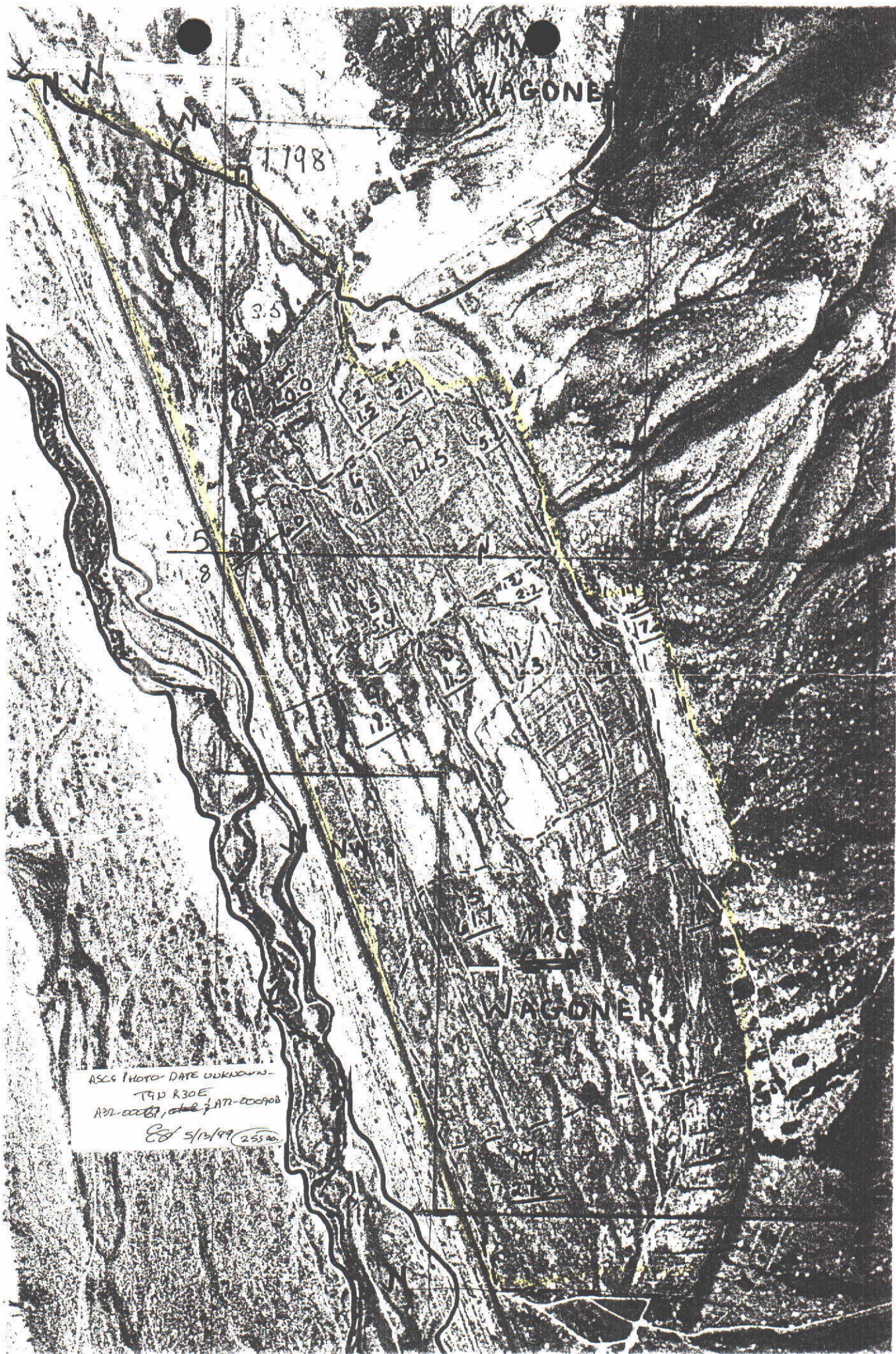
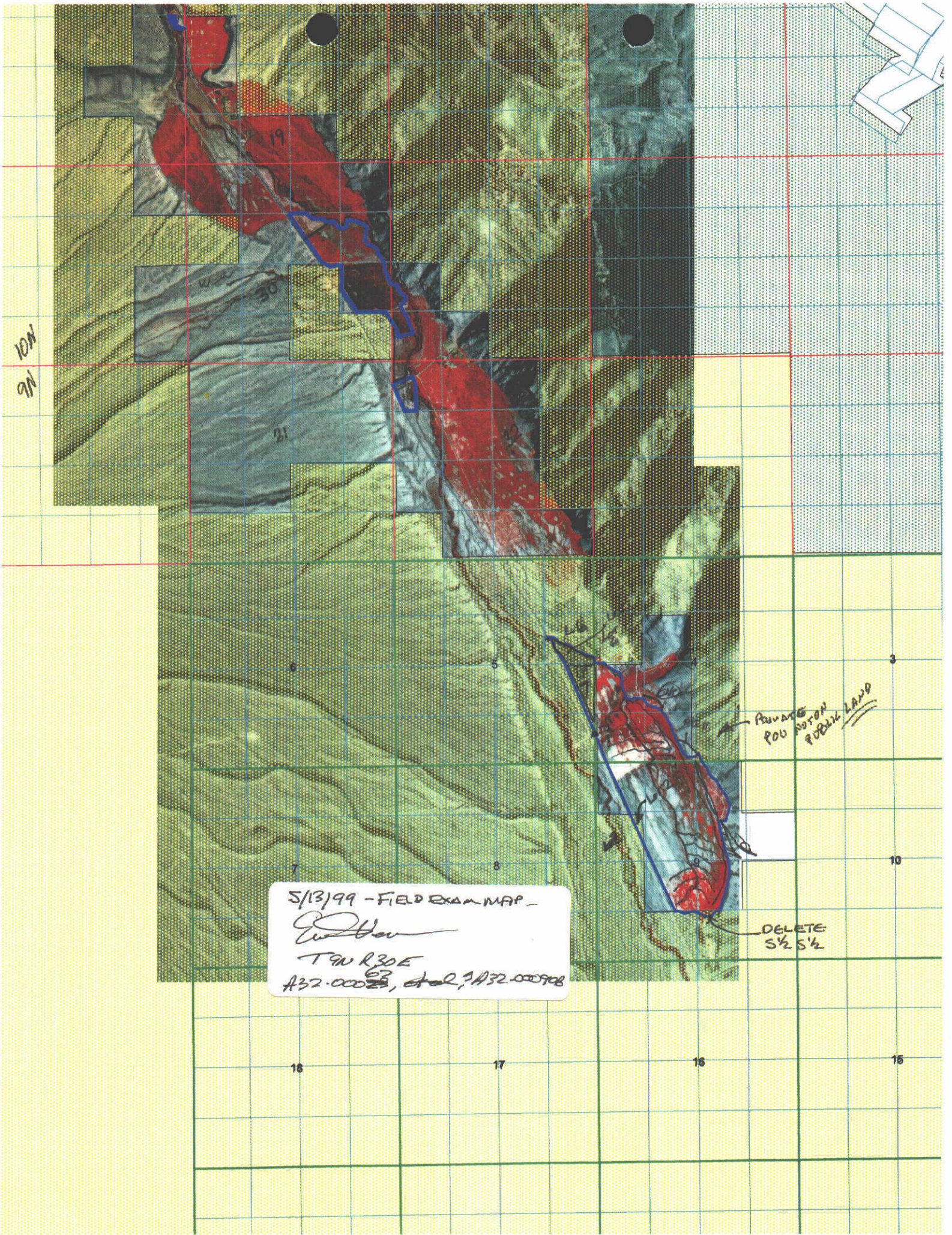




TOTAL ACRES (RED) = 306.5
311



ASCS PHOTO- DATE UNKNOWN
T9D R30E
APR-00067, ~~APR-00090B~~
E8/ 5/14/99 (25500)



5/13/99 - FIELD EXAM MAP -
[Signature]
T9N R30E
A32.00023, et al, A32.000708

Private POB Person Public Land

DELETE 5 1/2 5 1/2

CLARK COUNTY 033

MT PLAT

[illegible]

Further Segr from appropriation under general mining laws

Master Title Plat
for Wagner property.

CURRENT TO	CURRENT TO
FEB 18 1988	.

USE PLAYS:

USE PLATS: _____

Lat. 44° 41' N

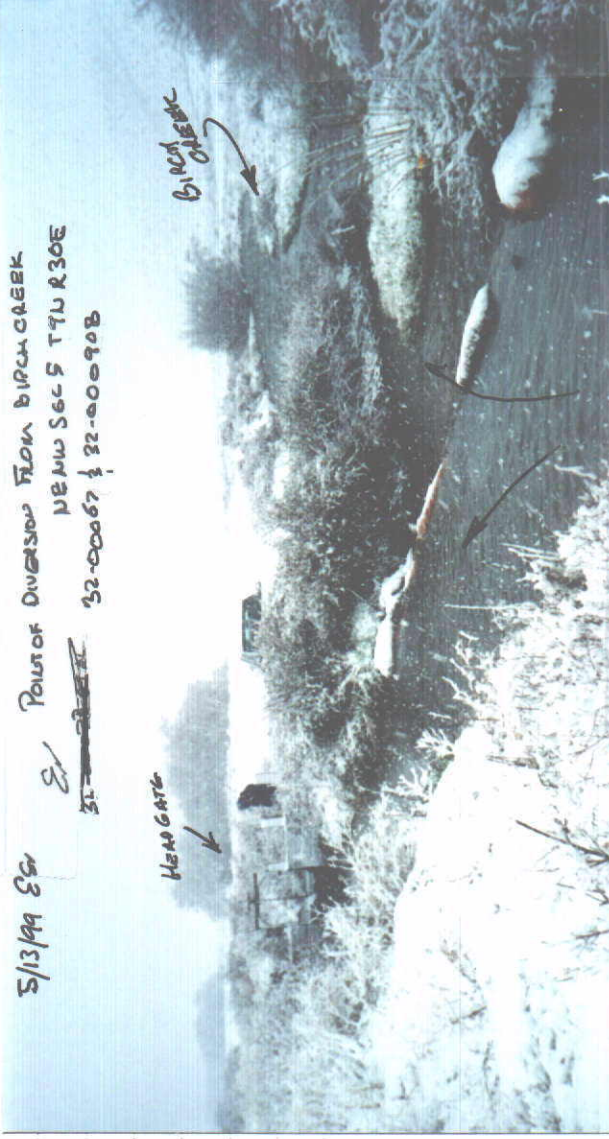
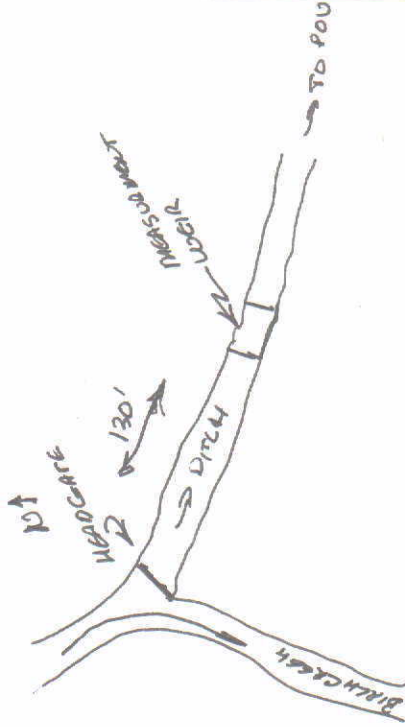
Long. 112° 47' W

Boise Met

$$= \text{BLM}$$

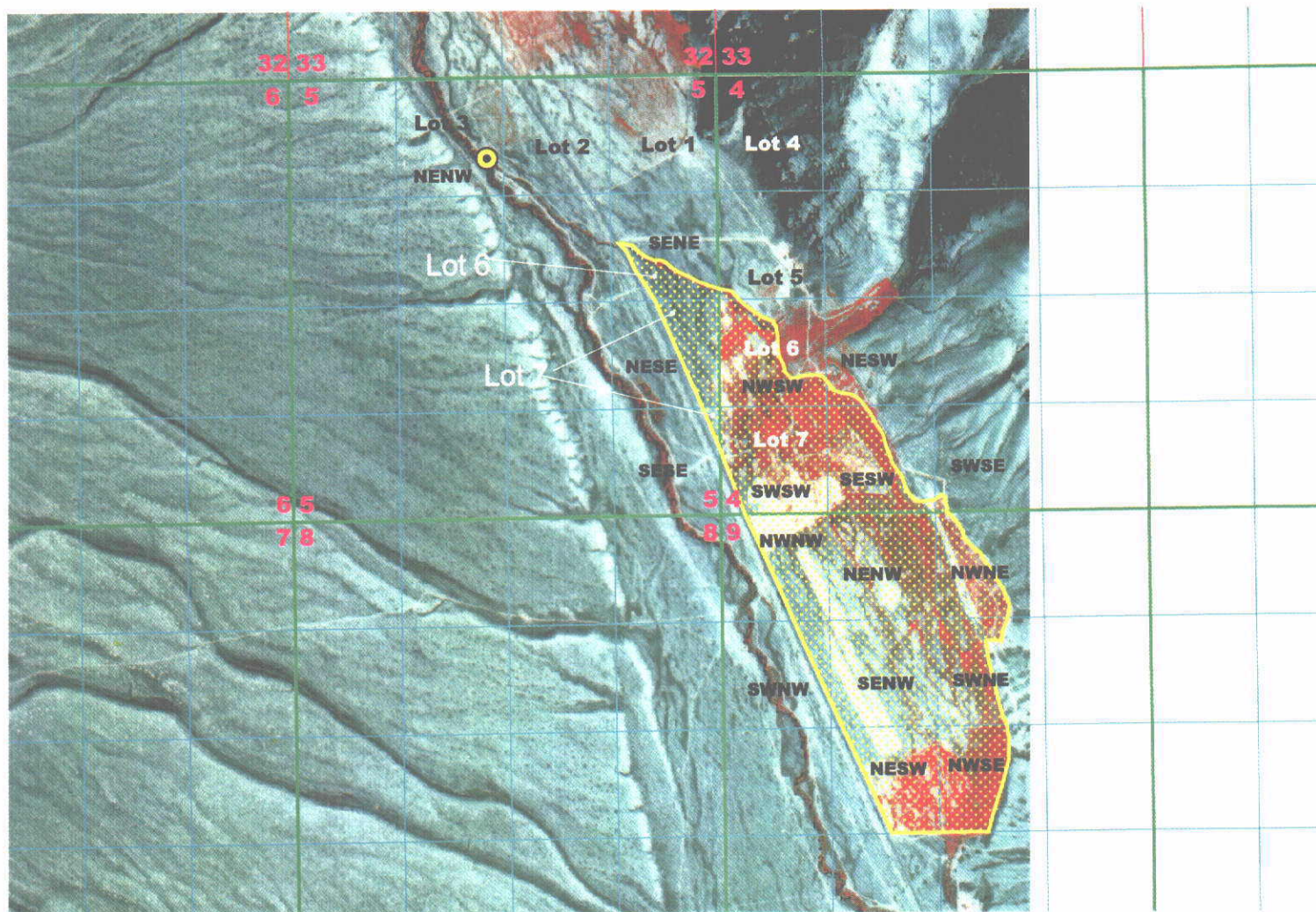
NOTES:

SYSTEM DESCRIPTION



IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Nos. 32-00067 & 32-00090B



0 1320 2640 3960 5280 6600 Feet



Point of Diversion



Place of Use
Boundary

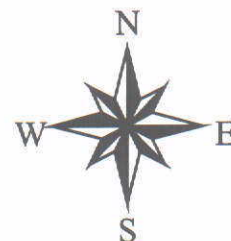


Section Lines



Quarter/Quarter Lines

Townships 9N Range 30E
Acres Irrigated: 311



GIS Place of Use Illustration
1987 NAPP Photography
Prepared by: Eric S. Verner
Date: June, 1999

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 32-00067

(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: Mac & Betty Wagoner

Address: P.O. Box 296, Dubois, ID. 83423

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 remark (or some version of) excluding public land in the Explanatory Material section needs to be moved under the Place of Use element so that it will be included in the Partial Decree.

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)

Lang C. Brown
(Attorney signing in representative capacity)

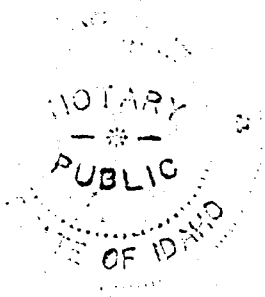
Subscribed and sworn to before me on: December 16, 1999

Jean Earl

Notary Public for Idaho

Residing at: Boise

My Commission Expires: 08-01-2002



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: Mac & Betty Wagoner

Address: P.O. Box 296, Dubois, ID. 83423

Name:

Address: ,

Name:

Address: ,

Name:

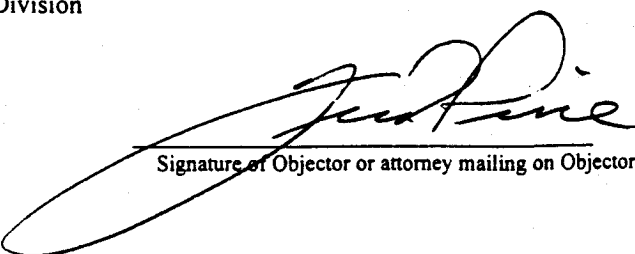
Address: ,

3. Copies to:

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

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

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


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-2-----
RIGHTS FROM : SOURCE: BIRCH CREEK TRIBUTARY: SINKS

RIGHT NUMBER : 32-00067
-----NAME & ADDRESS :
BETTY WAGONER
MAC WAGONER
PO BOX 296
DUBOIS ID 83423

SOURCE: BIRCH CREEK TRIBUTARY: SINKS

QUANTITY:
3.2 CFS
1065.7 AFYUSE OF THIS RIGHT WITH RIGHT NO. 32-00090B IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 4.00 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 1088.5 AF.

PRIORITY DATE : 09/10/1882

POINT OF DIVERSION : T09N R30E S05 LOT 3 (SENE) **BLM**

Within CLARK County

PURPOSE AND
PERIOD OF USE : PURPOSE OF USE
IRRIGATIONPERIOD OF USE
04-01 10-31QUANTITY
3.2 CFS
1065.7 AFY

PLACE OF USE : IRRIGATION Within CLARK County

T09N R30E S04	Lot 5 (SWNW) 0.5	NESW 2	Lot 6 (NWSW) 26	Lot 7 (SWSW) 37
	SESW 25	SWSE 0.5		
S05	Lot 6 (SENE) 8	Lot 7 (NESE) 15	Lot 7 (SESE) 1	
S09	NWNE 18	SWNE 22	NEW 40	
	Lot 2 (SWNW) 5	SEW 39	NESW 27	NWNW 22
				NWSE 23

311 ACRES TOTAL

Mixed *Mixed* *Mixed*

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
NONE OF THE PLACE OF USE IN THIS WTER RIGHT INCLUDE FEDERAL
PUBLIC LAND.
RIGHT NO. 32-00090B IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE.Issue:

Point of diversion on BLM
Places of use with mixed ownership between BLM
and private land.

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 32-00067

(Insert water right number)

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OBJECTION

Please fill in the following information:

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Address: 1387 South Vinnell Way
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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

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Name: Mac & Betty Wagoner

Address: P.O. Box 296, Dubois, ID. 83423

Name:

Address: ,

Name:

Address: ,

Name:

Address: ,

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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:**

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

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The remark (or some version of) excluding public land in the Explanatory Material section needs to be moved under the Place of Use element so that it will be included in the Partial Decree.

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)

Sam C. Brown
(Attorney signing in representative capacity)

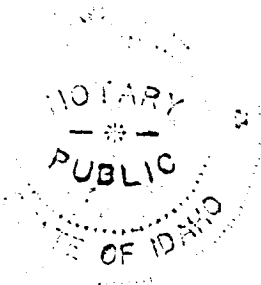
Subscribed and sworn to before me on: December 16, 1999

Jean Earl

Notary Public for Idaho

Residing at: Boise

My Commission Expires: 08-01-2002



INSTRUCTIONS FOR MAILING

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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: Mac & Betty Wagoner

Address: P.O. Box 296, Dubois, ID. 83423

Name:

Address: ,

Name:

Address: ,

Name:

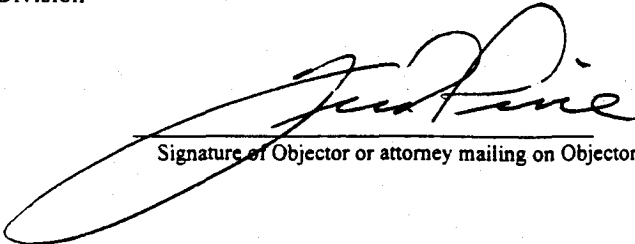
Address: ,

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

DATE: OCT-14-1999
PAGE: A-2

- Places of use with mixed ownership between BLM and private land.

August 1, 1999

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: September 10, 1999

Water right number: 32-00067

BETTY WAGONER
MAC WAGONER
PO BOX 296
DUBOIS ID 83423

Daytime Telephone Number:

Evening Telephone Number:

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation; no changes need to be made.

DATE: 8-26-99 SIGNATURE: Mac Wagoner

Please print your name: MAC WAGONER



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

June 4, 1999

MAC & BETTY WAGONER
PO BOX 296
DUBOIS ID 83423

RE: NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP
NOTICE OF CLAIM TO A WATER RIGHT A32-00067,
A32-00090B

Dear Mr. & Mrs. Wagoner:

The request for Change of Water Right Ownership concerning the above-referenced Notice of Claim has been processed and the Department's records updated to reflect you as the new claimant.

The enclosed report shows this change along with the elements of the water right being claimed. Please review this report and contact this office if there are corrections or questions.

Please keep this report for your records.

Respectfully yours,

Jennifer Hoagland
Jennifer Hoagland
Technical Records Specialist

Enclosure

RECEIVED

JUN 03 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) ~~A32-00067~~ AND A32-000908
 Adjudication Claim Number(s) A32-00067 AND A32-000908
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) WILLIAM T. SIMMON OR THEOLA SIMONS
HC 69 Box 2510, SAMHAMER, ID 83425
4. New Owner/Claimant(s) MAC OR BETTY WAGONER
Name connector (Check one): [] AND, [] OR, ☒ AND/OR
 New Mailing Address PO Box 296, DUBOIS, ID. 83423
 City, State and ZIP Code DUBOIS, ID. 83423
 New Telephone Number (208) 374 - 5415
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) Mac Wagoner Date 6-3-99
Deezy G. Wagoner Date 6-3-99
8. (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
 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 attach a Notice of Appearance completed by your attorney.

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. Section 42-248 requires certain property holders to notify the Department of Water Resources (IDWR) of any change in mailing address or ownership of all or part of a water right record on file with IDWR. Section 42-1409(6) provides that new property owners must notify IDWR of any change in ownership of a water right during an adjudication of water rights, and, if a required claim for the water right has not been filed, to file the needed claim.

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. If you would like any of these brochures, or if you have questions about completing this form, please contact your nearest IDWR office or call 1-800-451-4129.

If you need additional space to describe or explain any of the items on the form, please attach additional sheets to the form as you may require.

1. If there are water rights associated with the property, the seller should be able to provide you with the water right or adjudication claim number(s). Please enter these number(s) at Item 1. If you or the seller believe there are water rights for the property but the numbers are unknown, you may wish to call IDWR or come into an office of IDWR for assistance in identifying the water rights for the property in question. If claims for the rights are required, and have not been filed, IDWR will so advise you.
2. The information described at Item 2 is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. Do not obtain a new survey for purposes of this form before contacting IDWR.
3. Please provide the name and address of the former owner of the water right and/or adjudication claim at Item 3.
4. The name, mailing address, and telephone number of the new owner(s) is entered at Item 4. Please indicate the relationship between multiple owners by using the connector "and", "or" or "and/or". If an "and" is used, all parties must sign this form. If an "and/or" or "or" is used, all parties may sign, however only one of the named parties is required to sign.
5. At Item 5, please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.
6. If the property you have purchased is only a portion of the property owned by the former owner/seller, you may be purchasing only a portion of the total water right held by the seller. This means the water right held by the seller may be "split" to provide your share of the right in question. Be sure to include a description of the portion of the water right you have purchased at Item 6.

Please provide as much detail as possible concerning your water right: include the number of homes, irrigated acreage if more than 1/2 acre is irrigated, type and number of stock if your right is for stockwater, etc. In the absence of information to the contrary, IDWR will assume the intent is to split the rights *proportionately*.

7. The new owner(s) must sign the form in the space(s) provided at Item 7. Corporations and other organizations must submit a list of directors or officers demonstrating the authority of the director or officer to sign the form.
8. There is no filing fee. When complete, you should retain a copy and return the original of the form to the IDWR office nearest you:

IDWR Western Region, 2735 Airport Way, Boise, ID 83705-5082 (208) 334-2190

IDWR Southern Region, 222 Shoshone St. E., Twin Falls, ID 83301-6105 (208) 736-3033

IDWR Northern Region, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, ID 83814-2615 (208) 769-1450

IDWR Eastern Region, 900 N Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 (208) 525-7161

Donald L. Harris, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO
P.O. Box 50130
Idaho Falls, Idaho 83405
Telephone: (208) 523-0620

Attorneys for Plaintiffs

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF CLARK

TED S. SORENSON and GAYLE
SORENSON, dba SORENSON
ENGINEERING and BIRCH POWER
COMPANY, INC.,

Plaintiffs,

vs.

MAC WAGONER and BETTY WAGONER,
husband and wife,

Defendants.

Case No. 2-462

MEMORANDUM OF AGREEMENT

COME NOW Ted S. Sorenson, Gayle Sorenson d/b/a Sorenson Engineering, Birch Power Company, Inc. and Birch Creek Ranches, Inc. (Sorensens) and Mac Wagoner and Betty Wagoner (Wagoners) and enter into the following Memorandum of Agreement which agreement shall be made final by execution of settlement and release documents consistent herewith.

1. The season of use for Water Right No. 32-7067 and .8 cfs of the Right No. 32-0090 of the waters of Birch Creek,

which shall be transferred to Wagoners, shall hereafter be from April 1st of each year to and including October 15th of the same year; provided, however, that Wagoners may commence diversion of water under such right, if they deem it appropriate, later than April 1st in any given year, and if they do so, the same number of days from April 1st until the day such diversion is first commenced shall be added at the end of the irrigation season for such year so that they may continue diversions under such right for the same number of days after October 15th as elapsed between April 1st and the date subsequent thereto when diversion of water under such right actually began for such year. It is understood that regardless of the date diversions under such right commence, and regardless of whether water is or is not diverted under such right at any time during the above described season of use, such season shall not be extended longer than the actual number of days between April 1st and October 15th.

2. Sorensons will transfer to Wagoners the water rights on Birch Creek identified as Right No. 32-0067 for 3.2 cfs with a priority date of September 10, 1882 and Right No. 32-0090 for a portion of that right of .8 cfs with a priority date of May 10, 1886. Wagoners will transfer to Sorensons Water Right No. 32-0102 for 4.0 cfs with a priority date of May 10, 1889.

3. Sorensons will purchase from Wagoners, Wagoners "high

water" rights consisting of the following:

<u>NO.</u>	<u>CFS</u>	<u>PRIORITY</u>
0073	.2	05/15/1909
0085	.2	05/10/1910
0077	.2	05/15/1910
0086	.2	05/01/1911
0078	.2	05/15/1911
0087	.2	05/01/1912
0079	.8	05/15/1913

Sorensons will pay to Wagoners the amount of fifteen thousand dollars (\$15,000.00) after the transfer of the above-referenced rights.

4. Wagoners shall withdraw their notice of claim filed in the Snake River Basin Adjudication for 500 miner's inches (10 cfs) of "high water".

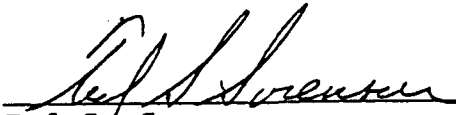
5. The 4 cfs or 200 inches of water represents Wagoners water. Sorensons agree to subordinate any additional water developed by them over which they have control as a result of any water saving effort such as lining portions of Birch Creek or any changes to the minimum bypass flow to Wagoners water. Wagoners will make no protest to any water saving activity undertaken by Sorensons.

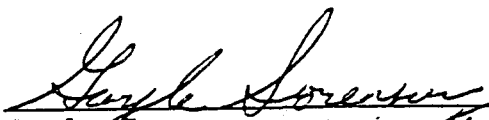
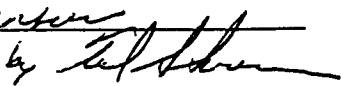
6. Sorensons agree that in addition to the irrigation water rights listed herein Wagoners will be entitled to divert up to 40 miner's inches (.8 cfs) of the water right which Sorensons will transfer to them which is Right No. 32-0067 for

stockwatering purposes commencing on or after March 1st of any year until such time as irrigation water is diverted and may continue such diversions in the same amount from the time irrigation ceases to no later than December 1st.

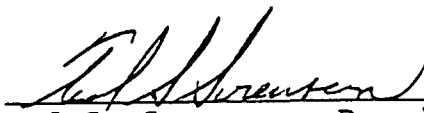
7. Wagoners shall not acquire in any way, directly or indirectly, through whatever means any water rights to the waters of Birch Creek held by George Woodie.

8. That Wagoners will withdraw their protest to the transfer of Sorensons now pending before the Idaho Department of Water Resources. The parties agree that this Memorandum of Agreement and the Settlement and Mutual Release that shall be entered into shall be conditioned on the premise that the Idaho Department of Water Resources does not require Wagoners to take land out of production for having sold the "high water" rights.


Ted S. Sorenson


Gayle Sorenson 

BIRCH POWER COMPANY, INC.

By: 
Ted S. Sorenson, President

BIRCH CREEK RANCHES, INC.

By: _____

Ed Shenson

Approved as to Form and Content By:

Donald L. Harris
Donald L. Harris, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO

Mac Wagoner
Mac Wagoner

Betty Wagoner
Betty Wagoner

Approved as to Form and Content By:

Breck H. Barton
Breck H. Barton, Esq.
BARTON & ASSOCIATES

#5491.00
8029h/srr

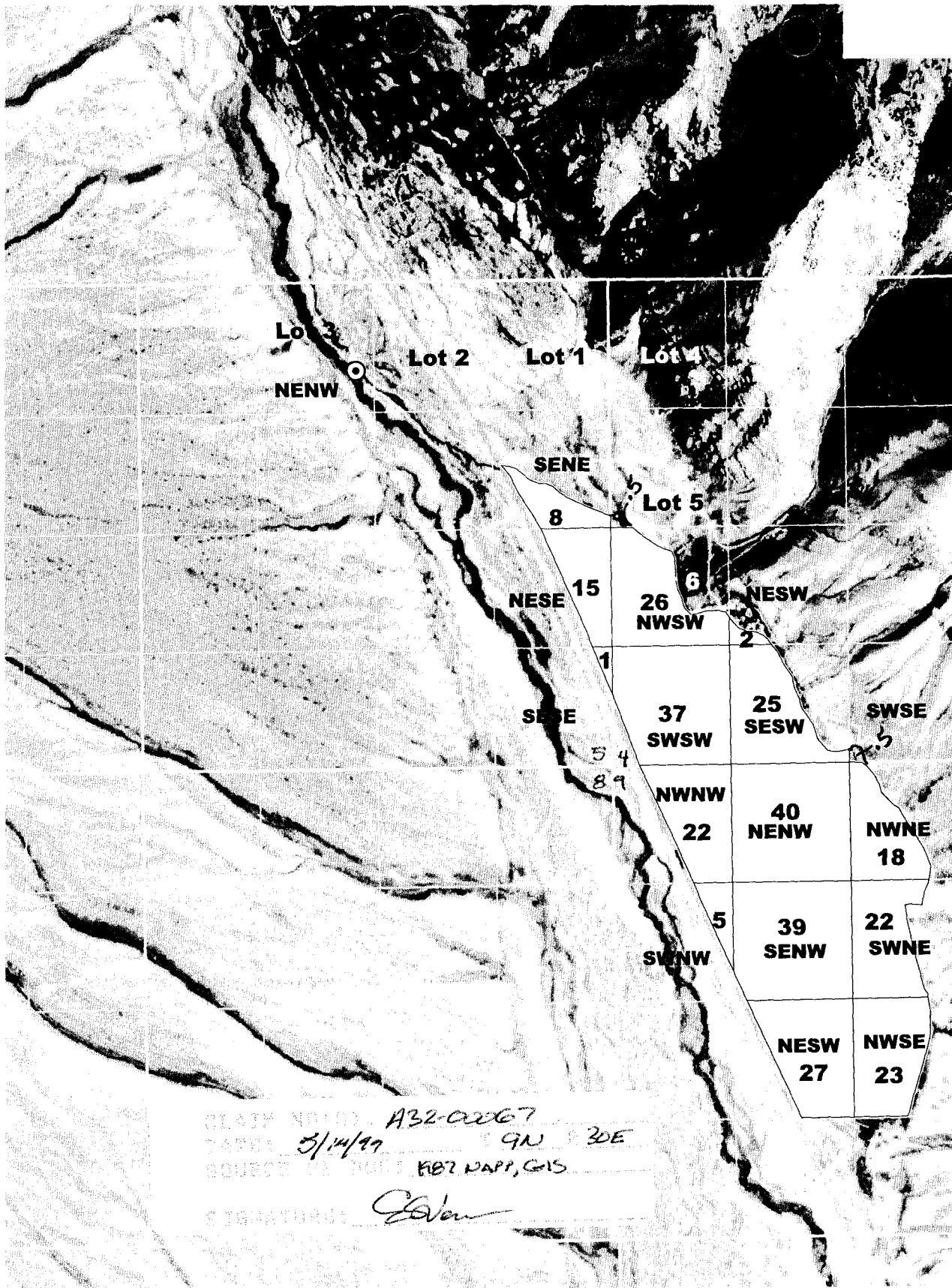
7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	NE	24	10N	29E	Clark	
		NE	SE	24	10N	29E	Clark	
		SE	NE	24	10N	29E	Clark	
		SW	SW	29	10N	30E	Clark	
		NW	NW	32	10N	30E	Clark	
		NE	NE	14	10N	29E	Clark	
		NE	SW	11	10N	29E	Clark	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
10N	29E	11						30	35	35	30					35	10	40	215
		12											35						35
		13						35	40			15							90
		14	35			20													55
		24																25	25
		25	10																10
10N	30E	19							30			10	15	35			20		110
		29											20						20
		30	10	20	30	20	20	35		35									170
		32		5	15		35	20		40	35					40	40		230

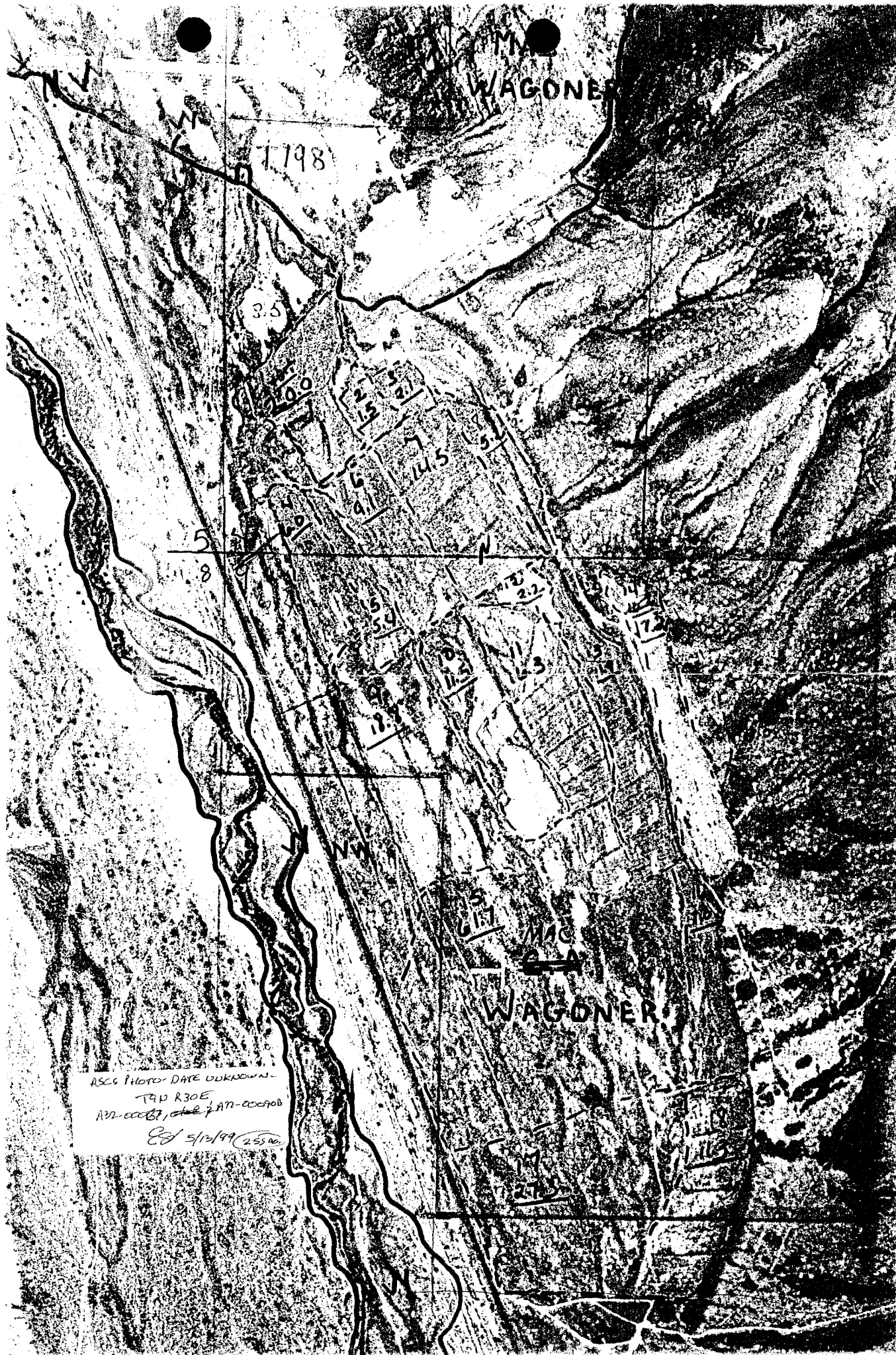
Total acres 960

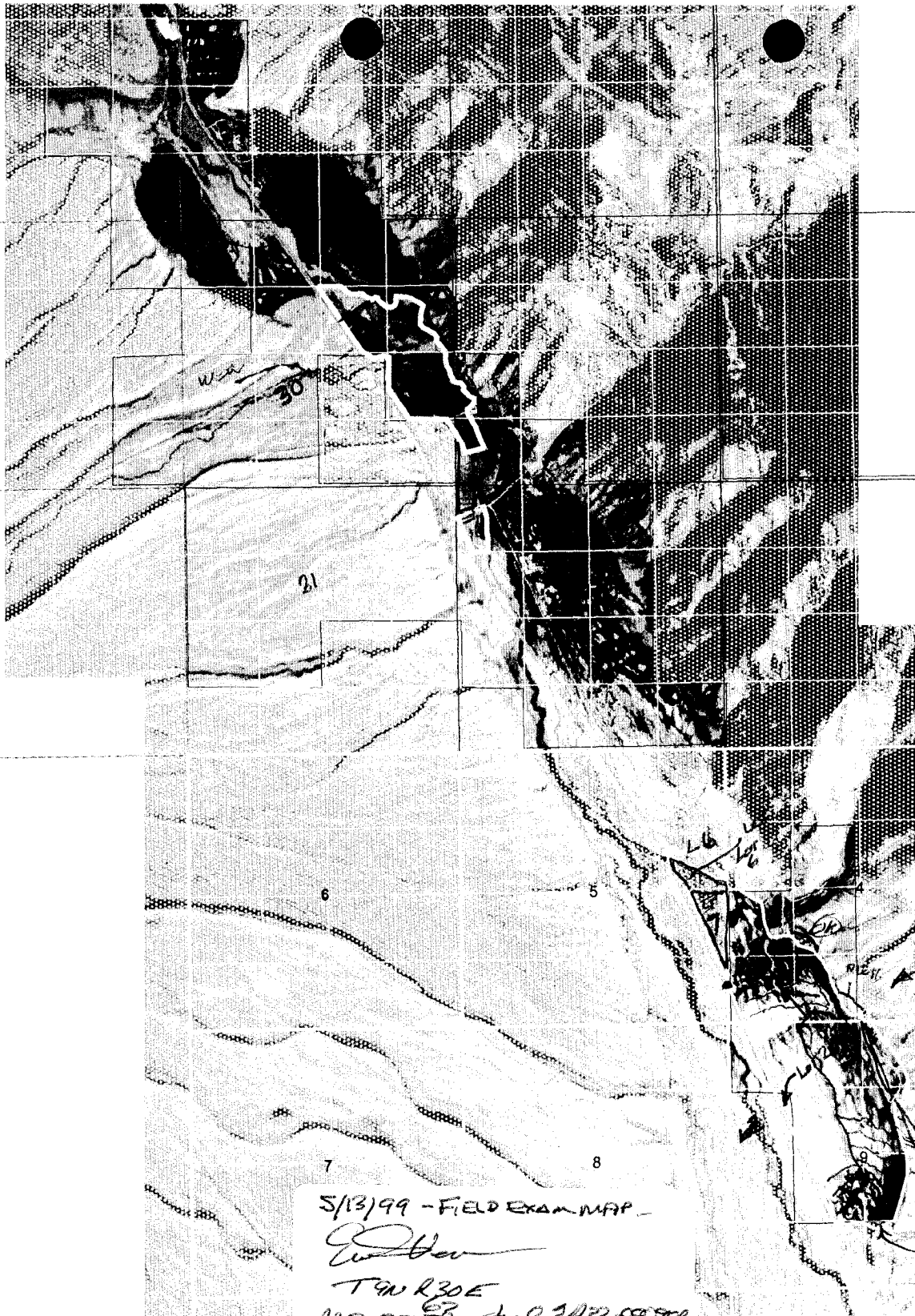


CLAIM NO. A32-02067
DATE 3/14/97 GN 3DE
SOURCE FOR INFO KBZ MAP, GIS

SIGNATURE *CEW*

TOTAL ACRES (RED) = 30.6
31





5/13/99 - FIELD EXAM MAP -

[Signature]

T9N R30E

A32.00025, et al, A32.00098

PRIVATE
POW AGTON
PUBLIC LAND

DELETE:
S1/2 S1/2

CLARK COUNTY 0333
IDAHO FALLS DISTRICT SEC 3

STATUS OF PUBLIC DOMAIN LAND AND MINERAL TITLES

MT PLAT

[illegible]

1 012695 Det PL 157 (Act of Cong 7/23/1955)
completed 4/3/1962. All NF surface Wgnt by USES.

Further Segr from appropriation under general
mining laws

John Day Rec S

Sec 5: Lots 2, 3, SINEB, SEIMOB, NISEB,
etc

SECRET

Sec 9: SWIMS, WISN, SEAS, PANS, PANS, 16 DCS

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1035 1036 1037 1038 1039 1040 1

101 23235 PX WD to BLM NOE Until Order Issues

Sec 4: MBB

50C 51 MAR 68

1000

5/12/99
Master Title Plat
for Wagner property.

FOR ORDERS EFFECTING DISPOSAL OR USE OF
UNIDENTIFIED LANDS REFER TO INDEX OF
SUCCELLANEOUS DOCUMENTS.

CURRENT TO	CURRENT TO
0000 8 1 853	

USE PLATS:

Long. 112° 47' W.

BLM

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 3827
WATER RIGHT NO(S). 32-00067/32-00090B

This is to certify that: BIRCH CREEK RANCHES INC
C/O HOLDEN KIDWELL HAHN CRAPO
PO BOX 50130
IDAHO FALLS ID 83405

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL VOLUME
Right No. 32-00067 :			
IRRIGATION	04/15 to 10/15	3.20 CFS	1161.5 AF
Priority: 09/10/1882			1065.7
Right No. 32-00090B :			
IRRIGATION	04/15 to 10/15	0.80 CFS	290.4 AF
Priority: 05/10/1886			266.4
TOTAL:		4.00 CFS	1186.5 AF
			1088.5

SOURCE

BIRCH CREEK

TRIBUTARY OF

SINKS

LOCATION OF POINT(S) OF DIVERSION: Lot 3(NENW), Sec. 5, Township 09N, Range 30E
CLARK County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC	ACRES	ACRES	ACRES	TOTAL
09N	30E	4	NESW 1	Lot 6(NWSW) 29	Lot 7(SWSW) 36	
			SESW 29	SWSE 2		97
		5	SENE 5	NESE 20	SESE 2	27
		9	NWNE 20	SWNE 31	NENW 40	
			NWNW 20	SWNW 4	SENW 38	
			NESW 24	SESW 2	NWSE 32	
			SWSE 4			

Total number of acres irrigated:

215

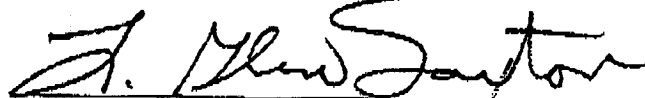
339

TRANSFER NO. 3827
WATER RIGHT NO(S). 32-00067/32-00090B

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 32D.
2. A measuring device and lockable controlling works of a type approved by this Department shall be maintained on the diverting works 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 .02 cfs per acre nor more than 3.5 afa per acre for the lands above.
4. Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
5. The change authorized by this transfer shall be accomplished within one (1) year of the date that this approval is final.
6. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
7. 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.
8. Combined Right Nos. 32-00067 and 32-00090B shall not exceed a total combined annual volume of 1,186.5 af for the total combined irrigation of 339 acres.
9. Any other rights from Birch Creek serving the place of use described above that are in excess of one inch per acre of water or 6.78 cfs, shall be transferred to other lands within the next five (5) years or shall be considered abandoned.
10. The Director retains jurisdiction to determine and assess a delivery loss to be applied at any time water is available for delivery under this approved transfer but would not have been available under the rights appurtenant to these lands prior to approval of this transfer.

Dated this 21st day of March, 1997.


Chief, Water Alloc. Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 32-0067 Decreed to Wood Livestock Co.
in case of Agnes B. Reno, et al. vs. J. R. Richards, et al.
dated 09/06/1922 in 9th District Court county of Fremont
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 2165 which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Birch Creek tributary to Sinks

4. Date or priority 09/10/1882

5. Water is used for the following purpose:

amount 3.2 cfs for Irrigation purposes from 04/01 to 11/01
(cfs/ac-ft)
amount .8 cfs for Stockwater purposes from 03/01 to 12/01
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 3.2 cfs cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion: See Attachment No. 2

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

8. Lands irrigated or place of use: See Attachment No. 3

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

9. Describe any other water rights used for the same purpose as described above 32-0090, 32-0093, 32-0068,
32-0089 32-0069 32-0092. 32-0061. and 32-0091.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 32-0090 Decreed to C. B. Watts
in case of Agnes B. Reno, et al. vs. J. R. Richards, et al.
dated 09/06/1922 in 9th District Court county of Fremont
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 2165 which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Birch Creek tributary to Sinks

4. Date or priority 05/10/1886

5. Water is used for the following purpose:

amount 1.6 cfs for Irrigation purposes from 04/01 to 11/01
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 1.6 cfs cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion: See Attachment No. 2

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

8. Lands irrigated or place of use: See Attachment No. 3

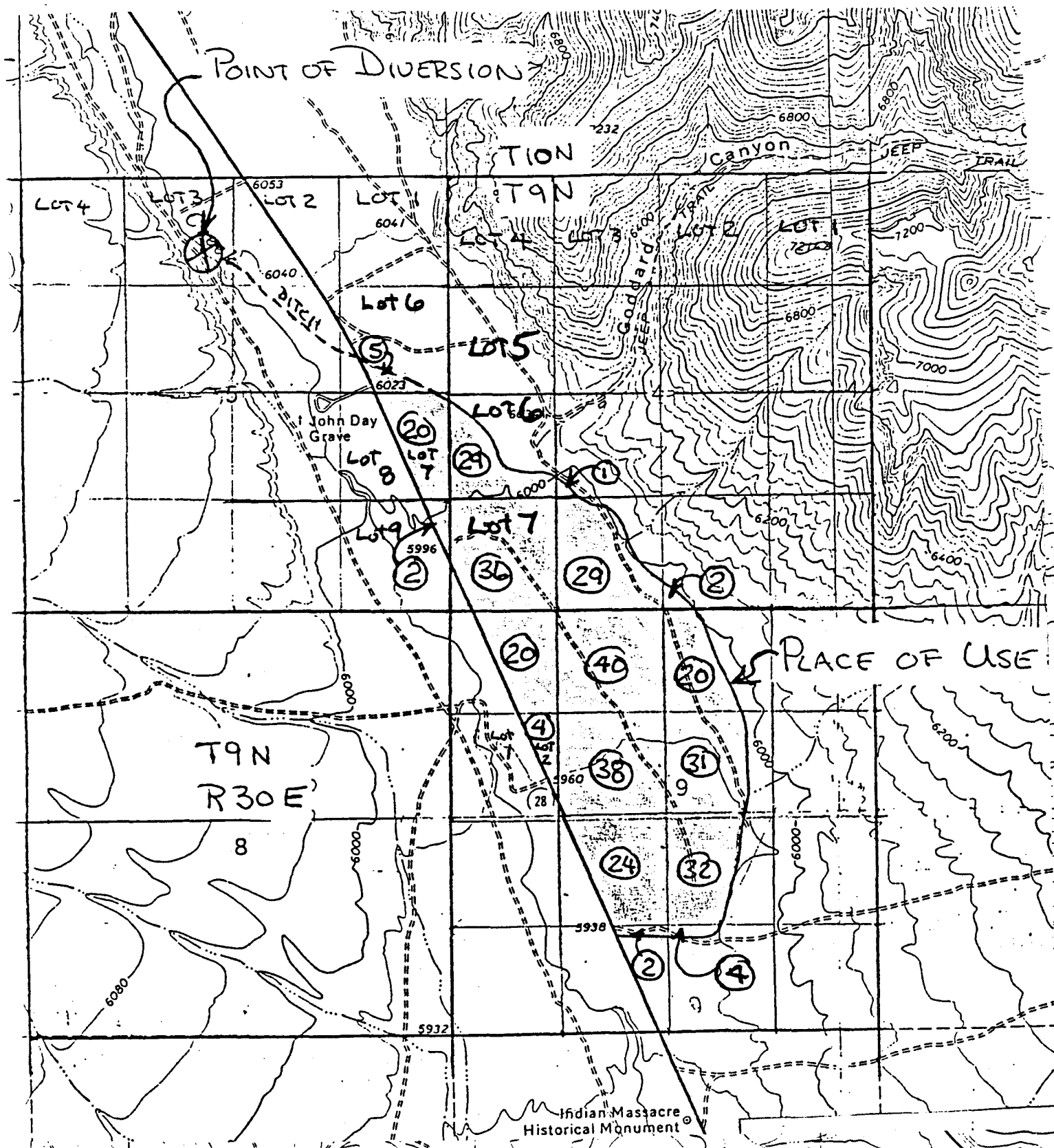
Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

9. Describe any other water rights used for the same purpose as described above 32-0067, 32-0093, 32-0068,

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

May 7, 1997

Kent Foster
Holden, Kidwell, Hahn, and Crapo
P.O. Box 50130
Idaho Falls, Idaho 83405

Re: Application for Transfer 3827 in the name of Birch Creek Ranches, Inc.

Dear Mr. Foster:

Thank you for your letter of April 4, 1997. I understand your frustration concerning the processing of this application. As usual, the department finds itself in a position of having to make a decision that cannot fully satisfy everyone and, perhaps, not anyone. As you know, the Wagoners have actively sought the immediate approval of this transfer of a right which has been deeded to them. The Findings of Fact in the preliminary order describe the changed conditions that caused me to continue processing. This recognizes your opportunity to object to the preliminary order to allow any unresolved matters to be heard.

You indicate that your letter can be treated as a petition for reconsideration or exceptions to the preliminary order, but further indicates that you do not desire to delay entry of a final order. IDWR is treating your letter as a petition for reconsideration. Rule 730.02a of IDWR's Rules of Procedure (IDAPA 37.01.01) provides that a petition is denied if IDWR does not respond within 21 days of receipt of the petition. Because IDWR did not respond within the 21-day period, the petition is denied by operation of the rules. Accordingly, the preliminary decision will be final on May 19, 1997, without further action of the department.

Your first concern relates to regulation of preseason use under the transferred rights. It is apparent from the information provided in your letter that the approval of the transfer does not, itself, create the concern about early diversions for irrigation or excessive diversion rates for stock watering prior to the irrigation season. These issues could exist with or without approval of the transfer application. If this matter cannot be resolved by communication and cooperation between your client and the Wagoners, the private agreement, to the extent it provides a division of valid water rights, can be enforced by civil action.

Mr. Kent Foster

Page 2

May 7, 1997

Enforcement through the department or the water district requires that the water rights be adequately known. The existing decrees on Birch Creek do not describe stock watering as a separate use. Even so, stock watering rights do exist from Birch Creek where diversion and beneficial use occurred prior to the mandatory permit requirement. To the extent these rights are known, the following options exist for regulation through a watermaster:

1. Water districts have the option of authorizing the elected watermaster to serve year-round.
2. Section 42-608(1), Idaho Code, provides for the watermaster to be called on upon the petition of one wateruser stating the necessity for regulation.
3. Section 42-608(5), Idaho Code, provides for the term of service to be extended after the irrigation season under certain conditions.

Next, you inquire whether the Wagoners have water rights for stock watering other than the contractual agreement with Ted Sorenson. Wagoners filed Claim No. 32-10003 in the Snake River Basin Adjudication which lists stockwater as a use. The stockwater part of this claim is for 0.07 cfs from Birch Creek during the period February 15 to November 20 of each year. A 1930 priority is claimed.

Eight other claims filed by Wagoner on previously decreed rights from Birch Creek now deeded to your client, listed stockwater as an incidental use to the irrigation use claimed.

Condition 8. The 1,186.5 AF annual volume was calculated by the procedure outlined in your letter. The volume represents a reasonable field headgate requirement and does not take into account a delivery loss from the point of diversion to the field headgate. It is not intended that the watermaster will limit the use of water in accordance with this volume.

Condition 10. The reasoning behind this condition relates to the nature of the exchange accomplished by the Sorenson/Wagoner agreement. Delivery has been made at the Wagoner diversion under the rights originally appurtenant to his lands. To the extent that these junior rights would have been in priority, it does not seem that the creek loss will be increased by delivering water to the same point under an earlier priority right. When water availability causes these junior rights to be curtailed, the delivery of the senior priority right a longer distance in a losing reach will increase the bedloss, and under that situation a delivery loss will be assessed to the right transferred to Wagoner under the approval.

Will the same logic be applied to Sorenson? It will be under similar circumstances. The loss to be assessed is an issue in a contested case involving Mr. Sorenson's transfer and must be left for determination in that proceeding.

Mr. Kent Foster
Page 3
May 7, 1997

Please contact me if you have additional questions on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Norman C. Young". The signature is fluid and cursive, with the first name "Norman" and last name "Young" clearly distinguishable.

NORMAN C. YOUNG
Administrator
Water Management Division

c: Mac Wagoner
Breck Barton
Peter Anderson
Blair J. Grover
George Petersen
Jerry Rigby

December 3, 1996

RECEIVED

DEC 04 1996

Department of Water Resources
Eastern Region

Idaho Department of Water Resources
1301 North Orchard
Boise, ID. 83706
Attn: Mr. Carl Drehr, Director

Dear Mr. Drehr:

I'm writing in reference to Transfer Number 3827.
In the name of Birch Creek Ranches and Mac & Betty
Wagoner a trade of priority dates water rights in
the amount of 4 C.F.S. to my 339 acres on Birch Creek.
This all started in 1993.

This was sent to Boise from your Idaho Falls office
for approval on 3-27-96. Since then no information
has been asked for so I assumed everything was ok
for approval.

I contacted Harold Jones at your Idaho Falls office
on 7-16-96 about the status of this transfer of which
he nor I had heard anything.

On 9-16-96 Mr. Harold Jones upon my request asked
the status of this transfer and the bar-queary as of
8-15-96 says it is on Jim Johnson desk.

This transfer started in 1993 and nothing as been and
apparently nothing is being done about this. This is
very frustrating and very upsetting to think this is
just setting on someones desk, when it is so important
that it be approved at once.

Your help Mr. Drehr in getting this done and over
with will be greatly appreciated, as I feel this has
been carried on way to long.

very truly yours,



Mac Wagoner
P.O. Box 296
Dubois, ID. 83423

cc Harold Jones IDWR Idaho Falls office

~~AMENDED~~ APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

FEB 13 1991

Name of applicant Birch Creek Ranches, Inc. Phone (208) 523-0620

Post Office address c/o Holden, Kidwell, Hahn & Crapo, P.O. Box 50130, Idaho Falls, ID 83405

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes Birch Creek Ranches and Mac and Betty Wagoner have resolved the dispute raised by Wagoners' protest in this proceeding and which was the subject of a separate action in Clark County District Court in Case No. 2-462. See attached copy of Memorandum of Agreement. (Attachment No. 1)

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | 1. Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use |
|---|-------------------|-----------------------|-------------------|------------------------------|
| <u>32-0067</u> | <u>09/10/1882</u> | <u>3.2 cfs</u> | <u>Irrigation</u> | <u>04/01</u> to <u>11/01</u> |
| <u>"</u> | <u>"</u> | <u>.8 cfs</u> | <u>Stockwater</u> | <u>03/01</u> to <u>12/01</u> |
| <u>32-0090 B</u> | <u>05/10/1886</u> | <u>.8 cfs</u> | <u>Irrigation</u> | <u>04/01</u> to <u>11/01</u> |
| | | | | to |
| 2. Total amount of water being transferred <u>4.0</u> cubic feet per second and/or _____ acre-feet per annum. | | | | |
| 3. Source of water <u>Birch Creek</u> tributary to <u>Sinks</u> | | | | |
| 4. Point(s) of Diversion: | | | | |

[illegible]

5. Lands irrigated or place of use:

[illegible]

Donald L. Harris, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO
P.O. Box 50130
Idaho Falls, Idaho 83405
Telephone: (208) 523-0620

Attorneys for Plaintiffs

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF CLARK

TED S. SORENSON and GAYLE
SORENSON, dba SORENSON
ENGINEERING and BIRCH POWER
COMPANY, INC.,

Plaintiffs,

vs.

MAC WAGONER and BETTY WAGONER,
husband and wife,

Defendants.

Case No. 2-462

MEMORANDUM OF AGREEMENT

COME NOW Ted S. Sorenson, Gayle Sorenson d/b/a Sorenson Engineering, Birch Power Company, Inc. and Birch Creek Ranches, Inc. (Sorensons) and Mac Wagoner and Betty Wagoner (Wagoners) and enter into the following Memorandum of Agreement which agreement shall be made final by execution of settlement and release documents consistent herewith.

1. The season of use for Water Right No. 32-7067 and .8 cfs of the Right No. 32-0090 of the waters of Birch Creek,

which shall be transferred to Wagoners, shall hereafter be from April 1st of each year to and including October 15th of the same year; provided, however, that Wagoners may commence diversion of water under such right, if they deem it appropriate, later than April 1st in any given year, and if they do so, the same number of days from April 1st until the day such diversion is first commenced shall be added at the end of the irrigation season for such year so that they may continue diversions under such right for the same number of days after October 15th as elapsed between April 1st and the date subsequent thereto when diversion of water under such right actually began for such year. It is understood that regardless of the date diversions under such right commence, and regardless of whether water is or is not diverted under such right at any time during the above described season of use, such season shall not be extended longer than the actual number of days between April 1st and October 15th.

2. Sorensons will transfer to Wagoners the water rights on Birch Creek identified as Right No. 32-0067 for 3.2 cfs with a priority date of September 10, 1882 and Right No. 32-0090 for a portion of that right of .8 cfs with a priority date of May 10, 1886. Wagoners will transfer to Sorensons Water Right No. 32-0102 for 4.0 cfs with a priority date of May 10, 1889.

3. Sorensons will purchase from Wagoners, Wagoners "high

water" rights consisting of the following:

<u>NO.</u>	<u>CFS</u>	<u>PRIORITY</u>
0073	.2	05/15/1909
0085	.2	05/10/1910
0077	.2	05/15/1910
0086	.2	05/01/1911
0078	.2	05/15/1911
0087	.2	05/01/1912
0079	.8	05/15/1913

Sorensons will pay to Wagoners the amount of fifteen thousand dollars (\$15,000.00) after the transfer of the above-referenced rights.

4. Wagoners shall withdraw their notice of claim filed in the Snake River Basin Adjudication for 500 miner's inches (10 cfs) of "high water".

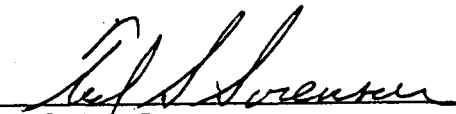
5. The 4 cfs or 200 inches of water represents Wagoners water. Sorensons agree to subordinate any additional water developed by them over which they have control as a result of any water saving effort such as lining portions of Birch Creek or any changes to the minimum bypass flow to Wagoners water. Wagoners will make no protest to any water saving activity undertaken by Sorensons.

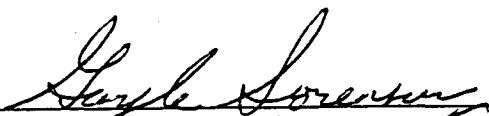
6. Sorensons agree that in addition to the irrigation water rights listed herein Wagoners will be entitled to divert up to 40 miner's inches (.8 cfs) of the water right which Sorensons will transfer to them which is Right No. 32-0067 for

stockwatering purposes commencing on or after March 1st of any year until such time as irrigation water is diverted and may continue such diversions in the same amount from the time irrigation ceases to no later than December 1st.

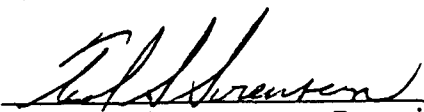
7. Wagoners shall not acquire in any way, directly or indirectly, through whatever means any water rights to the waters of Birch Creek held by George Woodie.

8. That Wagoners will withdraw their protest to the transfer of Sorensons now pending before the Idaho Department of Water Resources. The parties agree that this Memorandum of Agreement and the Settlement and Mutual Release that shall be entered into shall be conditioned on the premise that the Idaho Department of Water Resources does not require Wagoners to take land out of production for having sold the "high water" rights.


Ted S. Sorenson


Gayle Sorenson 

BIRCH POWER COMPANY, INC.

By: 
Ted S. Sorenson, President

BIRCH CREEK RANCHES, INC.

By: _____

Ed Shenson

Approved as to Form and Content By:

Donald L. Harris

Donald L. Harris, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO

Mac Wagoner

Mac Wagoner

Betty E. Wagoner

Betty Wagoner

Approved as to Form and Content By:

Breck H. Barton

Breck H. Barton, Esq.
BARTON & ASSOCIATES

#5491.00
8029h/srr

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	NE	24	10N	29E	Clark	
		NE	SE	24	10N	29E	Clark	
		SE	NE	24	10N	29E	Clark	
		SW	SW	29	10N	30E	Clark	
		NW	NW	32	10N	30E	Clark	
		NE	NE	14	10N	29E	Clark	
		NE	SW	11	10N	29E	Clark	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
10N	29E	11						30	35	35	30					35	10	40	215
		12											35						35
		13						35	40			15							90
		14	35			20													55
		24																25	25
		25	10																10
10N	30E	19							30			10	15	35			20		110
		29											20						20
		30	10	20	30	20	20	35		35									170
		32		5	15		35	20		40	35					40	40		230

Total acres 960

M E M O R A N D U M

FROM: H. W. JONES
TO: PAM SKAGGS
DATE: APRIL 24, 1996
RE: BIRCH CREEK RANCHES TRANSFER #3827

I just needed to give you some history and recent activity about this transfer and others that might help the Wagoners get this approved. As you are aware, Transfer 2165 put a group of rights on to 960 acres. Rights 32-00067 and 32-00090 were a part of that. Now, Mr. Wagoner and Mr. Sorensen (Birch Creek Ranches), simply wish to swap rights because of the priority advantage the Wagoners need. All the users below Wagoners have agreed this is acceptable.

At this point, Birch Creek Ranches now own all of Wagoner's other rights that were appurtenant to Wagoner's 339 acres. I have in hand a transfer application that Birch Creek Ranches recently filed to take Wagoner's old rights, the remainder of the rights left on the acres left on Transfer 2165 (960-339), and along with other rights, move them all to a new place of use.

The net effect is no additional acres irrigated. This seems to be our goal, so I would expect that we could approve Transfer 3827 under the circumstances.

Wagoners were willing to take a trade of 4 cfs for 6 cfs to use on their ground strictly for the 1882 priority to avoid being shut off by the watermaster. Birch Creek Ranches can then pass what water is left down through the power plant and then on to LaVar Newman, D & D Ranches, and to the new proposed place of use that Birch Creek Ranches has acquired.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

13:36:50
05/27/99

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A32-00067

LAST: SIMMONS
ADDRESS: HC 69 BOX 2510
CITY: HAMER
PHONE NUMBER: 208-663-4322

FIRST: WILLIAM T

STATE: ID ZIP: 83425

OWNER CODE: C

LAST: SIMMONS
ADDRESS: HC 69 BOX 2510
CITY: HAMER
PHONE NUMBER: 208-663-4322

FIRST: THEOLA

STATE: ID ZIP: 83425

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

FIELD
EXAMINER
Y (X) N ()

DATABASE
Y

CLAIM REMARKS: GEN

AS PER TRANS #2165.
STOCK DRINK DIRECTLY FROM DITCHES AND CREEK
*** CLAIM AMENDED PURSUANT TO APPROVED TRANSECT 3827

ESV 5/26/99

CONTACT PERSON: Mac or Ann Lawson
DATE OF FIELD EXAM: 5/13/99
ACCOMPANIED BY: Mac & Ann
RELATIONSHIP TO CLAIMANT: OWNERS
DIRECTIONS TO PROPERTY / NOTES: SWOONING, 32° LOW VISIBILITY

PHONE NUMBER: ()
TYPE: 10:00 A () P ()
PHONE NUMBER: ()

NEAR @ FLY STACK ACROSS FROM BUM CAMP/BLVD.

WITH MAC & ANN, DAVE PERIMETER OF PROPERTY. DETERMINED THERE IS NO LAR AT 5 1/2 S 1/2 SEC 7.
FACE LIKE SPARKLES RIVER & BUM. RECON AERIAL IS DRAINAGE WATER OFF OF WATERWAYS BU.
AGREED TO LET ME DOOR THESE ACRES. MAPED EXTENT OF B/LAN AERIAL MAP. VISITED POO
AND TOOK PHOTO OF POO & WALK IN DITCH.

DETERMINED FROM BUM THAT LAND IN E 1/2 E 1/2 SEC 5 IS PRIVATE, LAND TRAP BY BUM IN 1980'S -
WABONERS OWN LOTS 6 & 7. (FROM DEENA TEAL, BUM, IF.)

A. AJ CLAIM: # A32-00067

PRIORITY DATE: 09-10-1982

STAGE: D

B. WR RECORD: # 32-00067

PRIORITY DATE: 09-10-1982

STAGE: D

C. CAN THE PRIORITY DATE CLAIMED BE CONFIRMED BY A DECREE OR LICENSE?

Y(☒) N(☐)

D. HAS THERE BEEN A LATER COURT DECREE OF THE WATER RIGHT(S) FROM THIS WATER SOURCE?

Y(☐) N(☒)

E. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE? (IF YES, DESCRIBE BELOW)

Y(☒) N(☒)

F. IF THIS CLAIM IS BASED ON A PERMIT, WHERE IS THE PERMIT IN THE LICENSING PROCESS?

PROOF OF BENEFICIAL USE SUBMITTED

N/A(☒) Y(☐) N(☐)

FIELD EXAM COMPLETED

N/A(☒) Y(☐) N(☐)

FIELD EXAM SENT TO STATE OFFICE

N/A(☒) Y(☐) N(☐)

LICENSE ISSUED

N/A(☒) Y(☐) N(☐)

* IF THE PERMIT WILL NOT BE LICENSED PRIOR TO THE DIRECTOR'S REPORT, USE CONDITION CODE A01 AND RECOMMEND AS PERMITTED.

G. IF THIS CLAIM IS BASED ON BENEFICIAL USE, IS ADDITIONAL EVIDENCE OF THE PRIORITY DATE REQUIRED?

N/A(☒) Y(☐) N(☐)

* FOR CLAIMS BASED ON BENEFICIAL USE, DESCRIBE THE EVIDENCE OF PRIORITY SUBMITTED, INCLUDING THE ANALYSIS OF THE EVIDENCE.

H. IS THE STAGE OF THE CLAIM CODED CORRECTLY?

Y(☒) N(☐)

NOTES:

RECOMMENDED PRIORITY DATE:

09-10-1982

REVIEWED BY

DATE 5/26/99

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A32-00067	09N 30E	5	SE	NE	NW	3		CLARK	WAGONER DIVERSION	

OTHER AJ CLAIMS WITH SAME AJ POD ()

A PREFIX
R PREFIX
A32-00073 32-10365
A32-00077 R32-00073
A32-00078
A32-00079
A32-00085
A32-00086
A32-00087
A32-00090B
A32-00102
A32-10003

NR RECORDS IN SAME 40 ACRES TRACT
32-00090B
Verifying in Photo -

SOURCE: BIRCH CREEK

TRIB: SINKS

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
32-00067	09N 30E	5	NE	NE	NW	3		CLARK	WAGONER DIVERSION	

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRES TRACT
A PREFIX
R PREFIX

32-00090B
A32-00073 32-10365
A32-00077 R32-00073
A32-00078
A32-00079
A32-00085
A32-00086
A32-00087
A32-00090B
A32-00102
A32-10003

SOURCE: BIRCH CREEK

TRIB: SINKS

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(X) N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POD, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA?

N/A() Y(X) N()

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM?

Y(X) N()

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(X) N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN SOURCE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE? Y(X) N()

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM? Y() N(X)

I. HOW WAS THE POD AND SOURCE VERIFIED? Y() N()

LICENSING FIELD EXAM (DATE OF FIELD EXAM) 5/10/99 NAME OF EXAMINER S. Grier

AJ FIELD EXAM (DATE OF FIELD EXAM) 5/10/99 NAME OF EXAMINER S. Grier

OTHER (DESCRIBE IN NOTES BELOW)

NOTES:

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE: CHECK HERE IF RECOMMENDED AS CLAIMED (X)

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	FLAG	COUNTY	DIVERSION NAME	DIVERSION NBR
09N	30E	5	SE	NE	NW	3		CLARK	WAGNER DIVERSION	

SOURCE: BIRCH CREEK

TRIP: SINKS

REVIEWED BY:

DATE: 5/13/99

SYSTEM DESCRIPTION: DESCRIBED BELOW (X), SEE LICENSE FILE (), OR SEE ATTACHMENT ()

A. ROOT WATER RIGHT NUMBERS: A32-00067

B. FOD LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WK #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
09N	30E	4	NE	SW	6	SIMMONS, WILLIAM T	A32-00067 / 1.0	32-00067 / 1.0			
			NE	SW	6	WAGONER, BETTY	A32-10003 / 1.0	-		1.0	
			NE	SW	6	WAGONER, MAC	A32-00073 / 1.0	-			
			NE	SW	6	WAGONER, MAC	A32-00077 / 1.0	-			
			NE	SW	6	WAGONER, MAC	A32-00078 / 1.0	-			
			NE	SW	6	WAGONER, MAC	A32-00079 / 1.0	-			
			NE	SW	6	WAGONER, BETTY	A32-00085 / 1.0	-			
			NE	SW	6	WAGONER, BETTY	A32-00086 / 1.0	-			
			NE	SW	6	WAGONER, MAC	A32-00087 / 1.0	-			
			NE	SW	6	WAGONER, MAC	A32-00102 / 1.0	-			
			NE	SW	6	WAGONER, MAC	R32-00073 / 1.5	-			
			NE	SW	6	SIMMONS, WILLIAM T	A32-00090B / 1.0	32-00090B / 1.0			
			NE	SW	6	WAGONER, MAC	32-07222 / 1.0	32-07222 / 1.0			
09N	30E	4	NW	SW	6	SIMMONS, WILLIAM T	A32-00067 / 29.0	32-00067 / 29.0	29.0	26	26
			NW	SW	6	WAGONER, BETTY	A32-10003 / 29.0	-			
			NW	SW	6	WAGONER, MAC	A32-10005 / 29.0	-			
			NW	SW	6	WAGONER, MAC	A32-00073 / 29.0	-			
			NW	SW	6	WAGONER, MAC	A32-00077 / 29.0	-			
			NW	SW	6	WAGONER, MAC	A32-00078 / 29.0	-			
			NW	SW	6	WAGONER, MAC	A32-00079 / 29.0	-			
			NW	SW	6	WAGONER, BETTY	A32-00085 / 29.0	-			
			NW	SW	6	WAGONER, BETTY	A32-00086 / 29.0	-			
			NW	SW	6	WAGONER, MAC	A32-00087 / 29.0	-			
			NW	SW	6	WAGONER, MAC	A32-00102 / 29.0	-			
			NW	SW	6	WAGONER, MAC	R32-00073 / 26.0	-			
			NW	SW	6	WAGONER, MAC	32-10005 / 29.0	-			
			NW	SW	6	SIMMONS, WILLIAM T	A32-00090B / 29.0	32-00090B / 29.0			
			NW	SW	6	WAGONER, MAC	32-07222 / 29.0	32-07222 / 29.0			
09N	30E	4	SW	SW	7	SIMMONS, WILLIAM T	A32-00067 / 36.0	32-00067 / 36.0	36.0	37	37
			SW	SW	7	WAGONER, BETTY	A32-10003 / 36.0	-			
			SW	SW	7	WAGONER, MAC	A32-00073 / 36.0	-			
			SW	SW	7	WAGONER, MAC	A32-00077 / 36.0	-			
			SW	SW	7	WAGONER, MAC	A32-00078 / 36.0	-			
			SW	SW	7	WAGONER, MAC	A32-00079 / 36.0	-			
			SW	SW	7	WAGONER, BETTY	A32-00085 / 36.0	-			
			SW	SW	7	WAGONER, BETTY	A32-00086 / 36.0	-			
			SW	SW	7	WAGONER, MAC	A32-00087 / 36.0	-			
			SW	SW	7	WAGONER, MAC	A32-00102 / 36.0	-			
			SW	SW	7	WAGONER, MAC	R32-00073 / 37.0	-			
			SW	SW	7	SIMMONS, WILLIAM T	A32-00090B / 36.0	32-00090B / 36.0			
			SW	SW	7	WAGONER, MAC	32-07222 / 36.0	32-07222 / 36.0			

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	AK #/ACRES	LANDSAT DATA	FIELD EXAM.	RECORD ACRES
09N	30E	4	SE	SE	SW	SIMMONS, WILLIAM T	A32-00067 / 29.0	32-00067 / 29.0	8.0	25	25
			SE	SE	SW	WAGONER, BETTY	A32-10003 / 29.0	-			
			SE	SE	SW	WAGONER, MAC	A32-00073 / 29.0	-			
			SE	SE	SW	WAGONER, MAC	A32-00077 / 29.0	-			
			SE	SE	SW	WAGONER, MAC	A32-00078 / 29.0	-			
			SE	SE	SW	WAGONER, BETTY	A32-00085 / 29.0	-			
			SE	SE	SW	WAGONER, BETTY	A32-00086 / 29.0	-			
			SE	SE	SW	WAGONER, MAC	A32-00087 / 29.0	-			
			SE	SE	SW	WAGONER, MAC	A32-00102 / 29.0	-			
			SE	SE	SW	SIMMONS, WILLIAM T	A32-00090R / 29.0	32-00090R / 29.0			
			SE	SE	SW	WAGONER, MAC	R32-00073 / 25.0	32-07222 / 29.0			
			SE	SE	SW	WAGONER, MAC					
09N	30E	4	SW	SW	SW	SIMMONS, WILLIAM T	A32-00067 / 2.0	32-00067 / 2.0		0.5	0.5
			SW	SW	SW	WAGONER, BETTY	A32-10003 / 2.0	-			
			SW	SW	SW	WAGONER, MAC	A32-00073 / 2.0	-			
			SW	SW	SW	WAGONER, MAC	A32-00077 / 2.0	-			
			SW	SW	SW	WAGONER, MAC	A32-00078 / 2.0	-			
			SW	SW	SW	WAGONER, MAC	A32-00079 / 2.0	-			
			SW	SW	SW	WAGONER, BETTY	A32-00085 / 2.0	-			
			SW	SW	SW	WAGONER, BETTY	A32-00086 / 2.0	-			
			SW	SW	SW	WAGONER, MAC	A32-00087 / 2.0	-			
			SW	SW	SW	WAGONER, MAC	A32-00102 / 2.0	-			
			SW	SW	SW	SIMMONS, WILLIAM T	A32-00090B / 2.0	32-00090B / 2.0			
			SW	SW	SW	WAGONER, MAC	R32-00073 / 1.0	32-07222 / 2.0			
			SW	SW	SW	WAGONER, MAC					
09N	30E	5	SE	SE	NE	SIMMONS, WILLIAM T	A32-00067 / 5.0	32-00067 / 5.0	4.0	80	8
			SE	SE	NE	WAGONER, BETTY	A32-10003 / 5.0	-			
			SE	SE	NE	WAGONER, MAC	A32-00073 / 5.0	-			
			SE	SE	NE	WAGONER, MAC	A32-00077 / 5.0	-			
			SE	SE	NE	WAGONER, MAC	A32-00078 / 5.0	-			
			SE	SE	NE	WAGONER, MAC	A32-00079 / 5.0	-			
			SE	SE	NE	WAGONER, BETTY	A32-00085 / 5.0	-			
			SE	SE	NE	WAGONER, BETTY	A32-00086 / 5.0	-			
			SE	SE	NE	WAGONER, MAC	A32-00087 / 5.0	-			
			SE	SE	NE	WAGONER, MAC	A32-00102 / 5.0	-			
			SE	SE	NE	SIMMONS, WILLIAM T	A32-00090R / 5.0	32-00090R / 5.0			
			SE	SE	NE	WAGONER, MAC	R32-00073 / 5.0	32-07222 / 5.0			
			SE	SE	NE	WAGONER, MAC					
09N	30E	5	NE	NE	NE	SIMMONS, WILLIAM T	A32-00067 / 20.0	32-00067 / 20.0	20.0	15	15
			NE	NE	NE	WAGONER, BETTY	A32-10003 / 20.0	-			
			NE	NE	NE	WAGONER, MAC	A32-00073 / 20.0	-			
			NE	NE	NE	WAGONER, MAC	A32-00077 / 20.0	-			
			NE	NE	NE	WAGONER, MAC	A32-00078 / 20.0	-			
			NE	NE	NE	WAGONER, MAC	A32-00079 / 20.0	-			
			NE	NE	NE	WAGONER, BETTY	A32-00085 / 20.0	-			
			NE	NE	NE	WAGONER, BETTY	A32-00086 / 20.0	-			
			NE	NE	NE	WAGONER, MAC	A32-00087 / 20.0	-			
			NE	NE	NE	SIMMONS, WILLIAM T	A32-00090R / 20.0	32-00090R / 20.0			
			NE	NE	NE	WAGONER, MAC	R32-00073 / 20.0	32-07222 / 20.0			
			NE	NE	NE	WAGONER, MAC					

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	OR #/ACRES	TANDEAT DATE	FIELD EXAM.	RECORD ACRES	
05N	30E	5	NE	SE		WAGONER, MAC	A32-00087 / 20.0	-				
			NE	SE		WAGONER, MAC	A32-00102 / 20.0	-				
			NE	SE		SIMMONS, WILLIAM T	A32-000908 / 20.0	32-000908 / 20.0				
			NE	SE		WAGONER, MAC	A32-000908 / 20.0	32-07222 / 20.0				
		SE	SE		SIMMONS, WILLIAM T	A32-00067 / 2.0	32-00067 / 2.0	16.0				
		SE	SE		WAGONER, BETTY	A32-10003 / 2.0	-					
		SE	SE		WAGONER, MAC	A32-00073 / 2.0	-					
		SE	SE		WAGONER, MAC	A32-00077 / 2.0	-					
		SE	SE		WAGONER, MAC	A32-00078 / 2.0	-					
		SE	SE		WAGONER, MAC	A32-00079 / 2.0	-					
		SE	SE		WAGONER, BETTY	A32-00085 / 2.0	-					
		SE	SE		WAGONER, BETTY	A32-00086 / 2.0	-					
05N	30E	9	NE	NE		WAGONER, MAC	A32-00087 / 20.0	-				
			NE	NE		WAGONER, MAC	A32-00102 / 20.0	-				
			NE	NE		SIMMONS, WILLIAM T	A32-000908 / 20.0	32-000908 / 20.0				
			NE	NE		WAGONER, MAC	A32-000908 / 20.0	32-07222 / 20.0				
		NE	NE		SIMMONS, WILLIAM T	A32-00067 / 20.0	32-00067 / 20.0					
		NE	NE		WAGONER, BETTY	A32-10003 / 20.0	-					
		NE	NE		WAGONER, MAC	A32-00073 / 20.0	32-00073 /					
		NE	NE		WAGONER, MAC	A32-00077 / 20.0	32-00077 /					
		NE	NE		WAGONER, MAC	A32-00078 / 20.0	32-00078 /					
		NE	NE		WAGONER, MAC	A32-00079 / 20.0	32-00079 /					
		NE	NE		WAGONER, BETTY	A32-00085 / 20.0	-					
		NE	NE		WAGONER, BETTY	A32-00086 / 20.0	-					
05N	30E	9	NE	NE		WAGONER, MAC	A32-00087 / 20.0	-				
			NE	NE		WAGONER, MAC	A32-00102 / 20.0	-				
			NE	NE		SIMMONS, WILLIAM T	A32-000908 / 20.0	32-000908 / 20.0				
			NE	NE		WAGONER, MAC	A32-000908 / 20.0	32-07222 / 20.0				
		NE	NE		SIMMONS, WILLIAM T	A32-00067 / 31.0	32-00067 / 31.0	1.0				
		NE	NE		WAGONER, BETTY	A32-10003 / 31.0	-					
		NE	NE		WAGONER, MAC	A32-00073 / 31.0	32-00073 /					
		NE	NE		WAGONER, MAC	A32-00077 / 31.0	32-00077 /					
		NE	NE		WAGONER, MAC	A32-00078 / 31.0	32-00078 /					
		NE	NE		WAGONER, MAC	A32-00079 / 31.0	32-00079 /					
		NE	NE		WAGONER, BETTY	A32-00085 / 31.0	-					
		NE	NE		WAGONER, BETTY	A32-00086 / 31.0	-					

TWP	RNG	SEC	1/4	1/4	LOT	NAME	#/ACRES	4/ACRES	LANDSAT DATA	FIELD EXAM.	RETURN ACRES
09N	30E	9	NE	SW	SE	WAGONER, MAC	A32-00073 / 38.0	-	-	-	-
			SE	NW	SE	WAGONER, MAC	A32-00077 / 38.0	-	-	-	-
			SE	NW	SE	WAGONER, MAC	A32-00078 / 38.0	-	-	-	-
			SE	NW	SE	WAGONER, MAC	A32-00079 / 38.0	-	-	-	-
			SE	NW	SE	WAGONER, BETTY	A32-00085 / 38.0	32-00085	-	-	-
			SE	NW	SE	WAGONER, BETTY	A32-00086 / 38.0	32-00086	-	-	-
			SE	NW	SE	WAGONER, MAC	A32-00087 / 38.0	32-00087	-	-	-
			SE	NW	SE	WAGONER, MAC	A32-00102 / 38.0	-	-	-	-
			SE	NW	SE	WAGONER, WILLIAM T	A32-000908 / 38.0	32-000908	-	-	-
			SE	NW	SE	WAGONER, MAC	A32-00073 / 39.0	-	-	-	-
			SE	NW	SE	WAGONER, MAC	A32-00073 / 38.0	32-07222	-	-	-
09N	30E	9	NE	SW	SE	WAGONER, WILLIAM T	A32-00067 / 34.0	32-00067	-	27	27
			NE	SW	SE	WAGONER, BETTY	A32-10003 / 24.0	-	-	-	-
			NE	SW	SE	WAGONER, MAC	A32-00073 / 24.0	-	-	-	-
			NE	SW	SE	WAGONER, MAC	A32-00077 / 24.0	-	-	-	-
			NE	SW	SE	WAGONER, MAC	A32-00078 / 24.0	-	-	-	-
			NE	SW	SE	WAGONER, MAC	A32-00079 / 24.0	-	-	-	-
			NE	SW	SE	WAGONER, BETTY	A32-00085 / 24.0	32-00085	-	-	-
			NE	SW	SE	WAGONER, BETTY	A32-00086 / 24.0	32-00086	-	-	-
			NE	SW	SE	WAGONER, MAC	A32-00087 / 24.0	32-00087	-	-	-
			NE	SW	SE	WAGONER, MAC	A32-00102 / 24.0	-	-	-	-
			NE	SW	SE	WAGONER, WILLIAM T	A32-000908 / 24.0	32-000908	-	-	-
			NE	SW	SE	WAGONER, MAC	A32-00073 / 27.0	-	-	-	-
			NE	SW	SE	WAGONER, MAC	A32-00073 / 24.0	32-07222	-	-	-
09N	30E	9	SE	SW	SE	WAGONER, WILLIAM T	A32-00067 / 2.0	32-00067	-	23	23
			SE	SW	SE	WAGONER, BETTY	A32-10003 / 2.0	-	-	-	-
			SE	SW	SE	WAGONER, MAC	A32-00073 / 2.0	-	-	-	-
			SE	SW	SE	WAGONER, MAC	A32-00077 / 2.0	-	-	-	-
			SE	SW	SE	WAGONER, MAC	A32-00078 / 2.0	-	-	-	-
			SE	SW	SE	WAGONER, MAC	A32-00079 / 2.0	-	-	-	-
			SE	SW	SE	WAGONER, BETTY	A32-00085 / 2.0	-	-	-	-
			SE	SW	SE	WAGONER, BETTY	A32-00086 / 2.0	-	-	-	-
			SE	SW	SE	WAGONER, MAC	A32-00087 / 2.0	-	-	-	-
			SE	SW	SE	WAGONER, MAC	A32-00102 / 2.0	-	-	-	-
			SE	SW	SE	WAGONER, WILLIAM T	A32-000908 / 2.0	32-000908	-	-	-
			SE	SW	SE	WAGONER, MAC	A32-00073 / 2.0	32-07222	-	-	-
09N	30E	9	NE	SW	SE	WAGONER, WILLIAM T	A32-00067 / 32.0	32-00067	-	23	23
			NE	SW	SE	WAGONER, BETTY	A32-10003 / 32.0	-	-	-	-
			NE	SW	SE	WAGONER, MAC	A32-00073 / 32.0	-	-	-	-
			NE	SW	SE	WAGONER, MAC	A32-00077 / 32.0	-	-	-	-
			NE	SW	SE	WAGONER, MAC	A32-00078 / 32.0	-	-	-	-
			NE	SW	SE	WAGONER, MAC	A32-00079 / 32.0	-	-	-	-
			NE	SW	SE	WAGONER, BETTY	A32-00085 / 32.0	32-00085	-	-	-
			NE	SW	SE	WAGONER, BETTY	A32-00086 / 32.0	32-00086	-	-	-
			NE	SW	SE	WAGONER, MAC	A32-00087 / 32.0	32-00087	-	-	-

SE
BLM
not
map
see
notes

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	OR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECORD ACRES
09N	30E	9	SW	SE	SE	WAGONER, MAC	A32-00102 / 32.0	-	-	-	-
			NW	SE		SIMMONS, WILLIAM T	A32-00090B / 32.0	32-00090B	/ 32.0		
			NW	SE		WAGONER, MAC	R32-00073 / 23.0	-	-		
			NW	SE		WAGONER, MAC		32-07222	/ 32.0		
			SW	SE		SIMMONS, WILLIAM T	A32-00067 / 4.0	32-00067	/ 4.0		
			SW	SE		WAGONER, BETTY	A32-10003 / 4.0	-	-		
			SW	SE		WAGONER, MAC	A32-00073 / 4.0	-	-		
			SW	SE		WAGONER, MAC	A32-00077 / 4.0	-	-		
			SW	SE		WAGONER, MAC	A32-00078 / 4.0	-	-		
			SW	SE		WAGONER, MAC	A32-00079 / 4.0	-	-		
			SW	SE		WAGONER, BETTY	A32-00085 / 4.0	-	-		
			SW	SE		WAGONER, BETTY	A32-00086 / 4.0	-	-		
			SW	SE		WAGONER, MAC	A32-00087 / 4.0	-	-		
			SW	SE		WAGONER, MAC	A32-00102 / 4.0	-	-		
			SW	SE		SIMMONS, WILLIAM T	A32-00090B / 4.0	32-00090B	/ 4.0		
			SW	SE		WAGONER, MAC		32-07222	/ 4.0		

ADDITIONAL FOU FOUND

0.5 0.5 0.5

9N 30E Sec 4 LOTS SW SE 7/22/99
SW NE SEC 7/22/99
SEE AS ILLU

TOTAL ACRES	339.00	339.00	208.00
A32-00067			
POU COUNTY: CLARK			
	311	311	311

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED?

* IF YES, ARE THESE TRACTS LISTED ABOVE (), OR ARE THEY LISTED ON AN ATTACHED SHEET ()

Y () N (X)

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A32-00067	BIRCH CREEK	SIMMONS, WILLIAM T	3.200	0.009		
A32-00073	BIRCH CREEK	WAGONER, MAC	0.200		560.00	1.95
A32-00077	BIRCH CREEK	WAGONER, MAC	0.200			
A32-00078	BIRCH CREEK	WAGONER, MAC	0.200			

CHECK DOCUMENTS USED TO VERIFY PLOT: () ORTHOPHOTOGRAPH, TOUR NO. ; () TOPOGRAPHIC QUAD, TOUR NO. ;
(X) NAVY, TOUR NO. 1982, GIS ; (X) AERIAL PHOTO; () OTHER

NOTES:

2/15/83

North →

Tailwater from Flood Irr - Nor
containing
1/2 5 1/2 sec
PRIVATE

Low Prop

From
Paw Per

on spurs

TOTAL ACRES: 310 N/A

REVIEWED BY: 5201 DATE: 5/13/99

RECOMMEND

PURPOSE OF USE, PERIOD OF USE, DIVERSION RATE AND DIVERSION VOLUME REVIEW SHEET

A. ATTAINED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A32-00067 IRRIGATION	FROM 04-15 TO 10-15	3.200 CFS	1161.50 AE/A
TOTAL DIVERSION RATE/VOLUME		3.200 CFS	

B. NR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
32-00067 IRRIGATION	FROM 04-15 TO 10-15	3.200 CFS	1161.50 AE/A
TOTAL DIVERSION RATE/VOLUME		3.200 CFS	1161.50 AE/A

C. DOES THE CLAIMED PURPOSE OF USE CORRECTLY DESCRIBE THE WATER USE?

Y(☒) N(☐)

D. IS THE CLAIMED PURPOSE OF USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A(☐) Y(☒) N(☐)

* IF NO, AND IF THE ACTUAL WATER USE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN PURPOSE OF USE, DESCRIBE THE INQUIRY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

E. SHOULD THE CLAIMED PURPOSE OF USE BE VERIFIED BY FIELD EXAM?

Y(☐) N(☒)

F. DOES THE CLAIMED PERIOD OF USE CONFORM TO IDWR STANDARDS?

Y(☒) N(☐)

G. SHOULD THE PERIOD OF USE BE RECOMMENDED TO IDWR STANDARDS?

Y(☒) N(☐)

* IF THE RECOMMENDED PERIOD OF USE IS DIFFERENT THAN IDWR STANDARDS, EXPLAIN IN NOTES BELOW.

H. IS THE CLAIMED DIVERSION RATE FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A(☐) Y(☒) N(☐)

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION RATE FOR EACH USE WAS DETERMINED.

I. SHOULD THE CLAIMED DIVERSION RATE FOR EACH USE BE VERIFIED BY FIELD EXAM?

N/A(☐) Y(☐) N(☒)

J. IS THE CLAIMED DIVERSION VOLUME FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

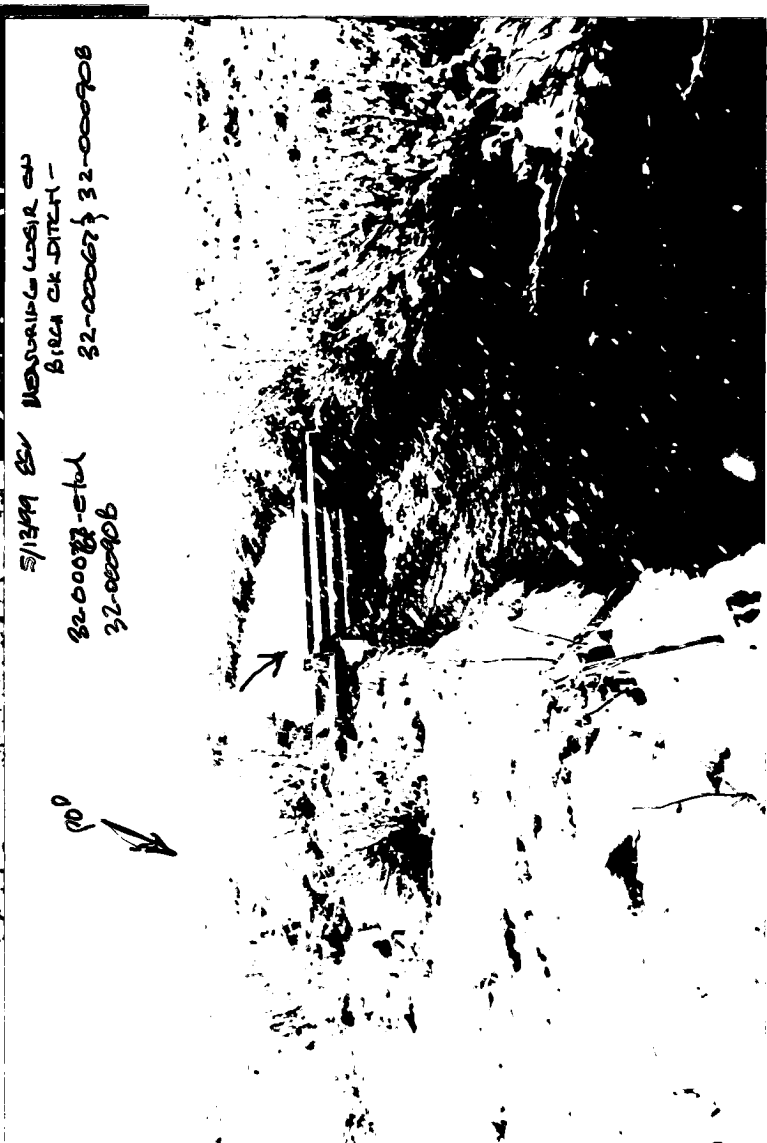
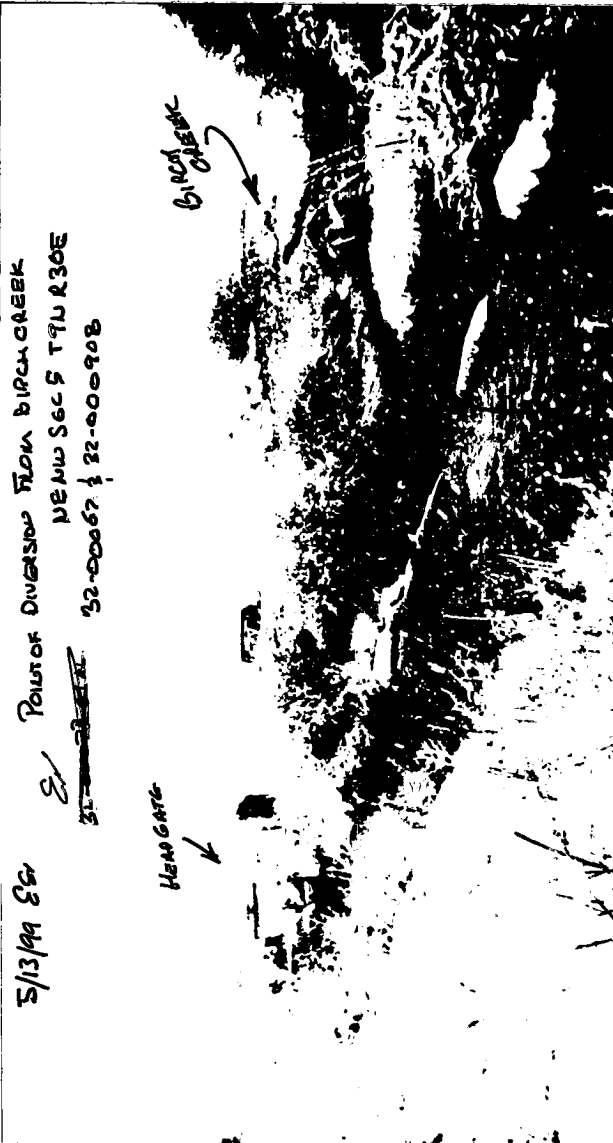
N/A(☐) Y(☒) N(☐)

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION VOLUME FOR EACH USE WAS DETERMINED.

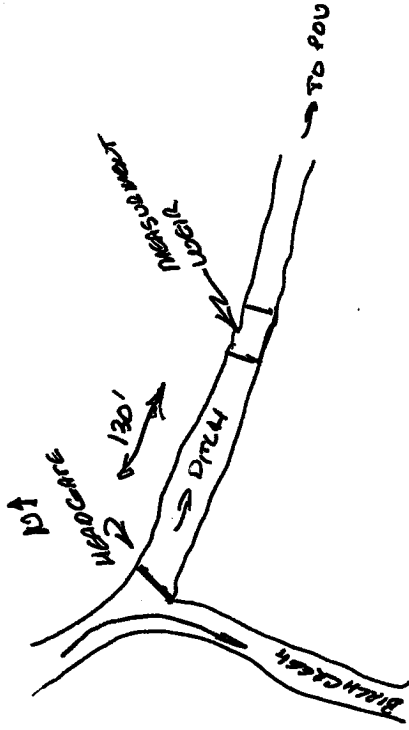
K. SHOULD THE CLAIMED DIVERSION VOLUME FOR EACH USE BE VERIFIED BY FIELD EXAM?

N/A(☐) Y(☐) N(☒)

NOTES:



SYSTEM DESCRIPTION



AJ CLAIM TOTAL DIVERSION RATE: 3.200 CFS

WR ROOT RIGHT TOTAL DIVERSION RATE: 3.200 CFS

A. IS THE CLAIMED TOTAL DIVERSION RATE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y(X) N()

B. CAN THE CLAIMED TOTAL DIVERSION RATE BE VERIFIED USING THE WATER RIGHT FILE?

N/A() Y(X) N()

* ALL CLAIMS BASED ON BENEFICIAL USE (INCLUDING POSTED NOTICES AND STATUTORY CLAIMS) REQUIRE A FLOW MEASUREMENT.

C. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THE DIVERSION RATE?

Y() N(X)

* IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS CLAIMED AND A FIELD EXAM IS NOT REQUIRED, EXPLAIN IN NOTES.

D. SHOULD THE CLAIMED DIVERSION RATE BE VERIFIED BY FIELD EXAM?

Y() N(X)

FLOW MEASUREMENT

MEASUREMENT METHOD

SEE ATTACHED CALCULATIONS.

E.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES 310 X 0.02 CFS/ACRE = 6.2 CFS
(Taken from pou review)

IS A DIVERSION RATE PER ACRE GREATER THAN 0.02 CFS/ACRE CLAIMED? Y() N(X)

IF YES, IS AN ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N()

2. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME =

AE/A

ACRES 310 X DIVERSION VOL. AF/A FOR AREA 3.5 =

TOTAL DIVERSION VOLUME 1085 AE/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE =

AE/A

ACRES ~~310~~ X CONSUMPTIVE VOL. AF/A FOR AREA ~~3.5~~ =

TOTAL CONSUMPTIVE USE ~~1085~~ AE/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION: SEE BELOW () OR SEE ATTACHMENT ()

1b. CALCULATIONS

NOTES:

WR RECORD CONDITIONS/REMARKS:

- ~~R04~~ - Use of water under this water right will be regulated by the
- ~~R30~~ - watermaster of State Water District No. 32D.
- ~~T04~~ - This right when combined with all other rights shall provide no
- ~~T07~~ - more than .02 cfs per acre nor more than 3.5 afa per acre for
- ~~T08~~ - irrigation of the lands above.
- Approval of this transfer in no way grants any right-of-way or
- easement for use of a delivery system owned by person(s) other
- than the right owner.
- The right holder shall accomplish the change authorized by this
- transfer within one (1) year of the date of this approval.
- Failure of the right holder to comply with the conditions of this

pe
Comments

- transfer is cause for the Director to rescind approval of the transfer.
- 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.

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RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED (X)

REC. PURPOSE OF USE	REC. PERIOD FROM TO	DATABASE RATE CES	REC. DIV EXAMINER	DATABASE VOL. AF/A	REC. DIV EXAMINER	DATABASE EXAMINER	REC. CONS. USE
IRRIGATION	04-15 10-15	3.200	3.20	1161.50 1085	1085	0.0	0.0
TOTAL FOR THIS RIGHT		3.200	3.20	1085		0.0	0.0

NON-IRRIGATION USES CLAIMED:

NON-IRRIGATION USES RECOMMENDED: CHECK HERE IF RECOMMENDED AS CLAIMED (N/A)

REVIEWED BY:

DATE: 6/3/99

FLAG:

STANDARD CONDITIONS (CODE):

STANDARD REMARKS (CODE):

EXPLANATORY CONDITIONS (CODE):

EXPLANATORY REMARKS (CODE):

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____
FOREFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

ACCEPTED AS CLAIMED (X)
NEEDS REVIEW ()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 32-00067

TOTAL DIVERSION RATE OF WR SPLITS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	DATABASE	EXAMINER	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A32-00067	3.200	3.200	3.20	3.20	32-00067	3.200
TOTAL CES		3.200					3.200

DIVERSION RATE REVIEW

DO THE SUM CES RATE OF THE SPLITS EQUAL THE ROOT RIGHT CES RATE? (Y/N)
IF NO, IS THE WRITTEN REVIEW DESCRIBED BELOW () OR SEE ATTACHMENT ()?

DATABASE Y
FIELD EXAMINER Y (X) N ()

NOTES:

Right is claimed in File

AUTHENTICATION: _____
SIGNATURE: [Signature]
NAME OF FIELD EXAMINER: Eric S. Jovan

DATE: 6/3/99
TITLE: SWR

MAPS AND AERIAL PHOTOGRAPHS USED TO REVIEW THIS NOTICE OF CLAIM TO A WATER RIGHT

TYPE OF MAP OR PHOTOGRAPH (CHECK IF USED)

IF USED, SUPPLY APPROPRIATE DATE AND OTHER INFORMATION

COPY INCLUDED
IN FILE?

☐ ORTHOPHOTOQUAD	DATE OF PHOTO	OWNER ID NO.	Y() N()
☐ TOPOGRAPHIC	DATE FIELD CHECKED	OWNER ID NO.	Y() N()
☒ NAPP	DATE OF PHOTO	1987 GIS Layout	Y(X) N()
☒ ASCS AERIAL PHOTO	DATE OF PHOTO	? Property 1987	Y(X) N()
☐ ASCS COLOR SLIDE	DATE OF PHOTO		Y() N()
☐ BLM OR USES AERIAL PHOTO	DATE OF PHOTO		Y() N()
☒ TOWNSHIP SURVEY (GOVERNMENT PLAT)	DATE OF SURVEY	? From BLM	Y() N()
☐ SCS SOIL SURVEY MAP	DATE ISSUED		Y() N()
☐ SUBDIVISION PLAT MAP	DATE OF MAP		Y() N()
☐ OTHER	DATE		Y() N()
☐ OTHER	DATE		Y() N()
☐ OTHER	DATE		Y() N()

LIST OF ATTACHMENTS (CHECK IF ATTACHED)

IF ATTACHED, SUPPLY APPROPRIATE INFORMATION

NOTES

NO. OF
PAGES

☐ LICENSING FIELD EXAM	DATE OF FIELD EXAM		
☐ WATER RIGHT LICENSE	DATE LICENSE SIGNED		
☒ IDWR APPROVED TRANSFER	DATE TRANSFER APPROVED		
☐ SYSTEM DESCRIPTION	DATE DRAWN		
☐ PHOTOGRAPHS	DATE(S) PHOTOS TAKEN		
☐ SPLIT RIGHT REVIEW	DATE REVIEW COMPLETED		
☐ HURBLE ANALYSIS	DATE ANALYSIS COMPLETED		
☐ CONVEYANCE LOSS ANALYSIS	DATE ANALYSIS COMPLETED		
☐ FLOW MEASUREMENT CALCULATIONS	DATE SYSTEM MEASURED		
☒ OTHER <u>Memorandum of Agreement</u>	DATE	2	7
☐ OTHER	DATE		

Other Aerial Photographs

STATE OF UTAH
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

13:36:50
05/27/99

PAGE: 22
QUICKLOOK INFORMATION

CLAIM NUMBER: A32-00067

WR ELEMENT	DATA DISCREPANCY Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	ELEMENT DOCUMENTED WHOM/DATE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE			5/13/99	N		5/13/99		
POINT OF DIV				N				
SOURCE				N				
PLACE OF USE	Y			Y				
DIV. AMOUNT CES/VOLUME				N				
CONSUMPTIVE USE				N				
PURPOSES OF USE				N				
PERIOD OF USE				N				
BASIS OF CLAIM				N				
REMARKS	Y			N				

BARCODE UPDATED
WHOM/DATE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

13:43:22
05/27/99
23

PAGE: 23
PROFILE REPORT

CLAIM NUMBER: A32-00067

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	WILLIAM T SIMMONS	09/10/1882	IRRIGATION	04-15 10-15	3.20 CFS	1161.50 AFA
C	THEODIA SIMMONS				3.20 CFS	

Water Source: BIRCH CREEK
Tributary to: SINKS
Stage: DECREEED
CLARK County

Point(s) of Diversion: T09N R30E S05 Lot03(SENENW)

Place of use Legal Description for: IRRIGATION

T	R	S	NENE			NENE			NENE			NENE			NENE			SUM
			Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	
09N	30E	4																97.0
09N	30E	5																27.0
09N	30E	9																215.0
TOTAL ACRES																		339.0

POU County: CLARK

Other Rights: 32-00090B

Remarks: GEN AS PER TRANS #2165.
STOCK DRINK DIRECTLY FROM DITCHES AND CREEK
*** CLAIM AMENDED PURSUANT TO APPROVED TRANSFER 3827, ESU 5/26/99

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: 320 Field Inspection Flag: Presumption Flag:

CLARK (33)
CLARK (33)
CLARK (33)
CLARK (33)
CLARK (33)
CLARK (33)
CLARK (33)

Water right number - R32-00067 Prefix Translation: RESEARCH

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
09N	30E	5	NE SE	7	15.0	01	IRRIGATION	(33) CLARK
09N	30E	5	SE SE		1.0	01	IRRIGATION	(33) CLARK
09N	30E	9	NW NE		18.0	01	IRRIGATION	(33) CLARK
09N	30E	9	SW NE		22.0	01	IRRIGATION	(33) CLARK
09N	30E	9	NE NW		40.0	01	IRRIGATION	(33) CLARK
09N	30E	9	NW NW		22.0	01	IRRIGATION	(33) CLARK
09N	30E	9	SW NW		5.0	01	IRRIGATION	(33) CLARK
09N	30E	9	SE NW		39.0	01	IRRIGATION	(33) CLARK
09N	30E	9	NE SW		27.0	01	IRRIGATION	(33) CLARK
09N	30E	9	NW SE		23.0	01	IRRIGATION	(33) CLARK
Total Acres:					311.0			

+ - - Diversion Means - HEADGATES TO DITCHES FOR FLOOD IRRIGATION

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 32-000908

QNT USE OF THIS RIGHT WITH RIGHT NO. 32-000908 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 4.00 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 1088.5 AF.

EXP RIGHT NO. 32-000908 IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE.

No Old Water Right Numbers Found

No Conditions of Approval

AGNES B. RENO, ET. AL. + - - Decree Plaintiff - - - +
+ - - Decree Defendant - - - +
J. R. RICHARDS, ET. AL. + - - Decree Date - - +
09/06/1922

Date: 07/22/1999 User Id: BCONTOR Subject: COPIED FROM REMARKS

AS PER TRANS #2165. STOCK DRINK DIRECTLY FROM DITCHES AND CREEK

*** CLAIM AMENDED PURSUANT TO APPROVED TRANSFER 3827, ESV 5/26/99 *** CHANGE OF OWNERSHIP FILED 6/3/99, ESV

Date: 07/22/1999 User Id: BCONTOR Subject: ACRE FEET

ANNUAL VOLUME FOR THIS RIGHT AND COMBINED VOLUME FOR THIS RIGHT AND 32-000908 ADJUSTED PROPORTIONALLY FROM TRANSFER T3827 BASED
UPON ACREAGE FOUND IN AJ FIELD EXAM. BAC 7/22/1999.

+ - - Audit Fields - - +
07/22/99 BCONTOR

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: **A32-00067**
Date Received: 6/15/1988
Receipt No: M000115
Received By: _____

**COPY FOR
YOUR FILES**

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

**COPY FOR
YOUR FILES**

1. Name: MAC WAGONER 208-374-5415
Address: PO BOX 296
DUBOIS ID 83423
OR
Name: BETTY WAGONER 208-374-5415
Address: PO BOX 296
DUBOIS ID 83423

2. Date of Priority: SEP 10, 1882

3. Source: BIRCH CREEK Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09N	30E	5	SE	NE	NW	3	CLARK

5. Description of diverting works:
HEADGATES TO DITCHES FOR FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	3.200		1161.50

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09N	30E	4	NE	SW		IRR	1.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
09N	30E	4	NW		SW	6	IRR	29.0
			SW		SW	7	IRR	36.0
			SE		SW		IRR	29.0
			SW		SE		IRR	2.0
			Section Acres					97.0
		5	SE		NE		IRR	5.0
			NE		SE		IRR	20.0
			SE		SE		IRR	2.0
			Section Acres					27.0
		9	NW		NE		IRR	20.0
			SW		NE		IRR	31.0
			NE		NW		IRR	40.0
			NW		NW		IRR	20.0
			SW		NW		IRR	4.0
			SE		NW		IRR	38.0
			NE		SW		IRR	24.0
			SE		SW		IRR	2.0
			NW		SE		IRR	32.0
			SW		SE		IRR	4.0
			Section Acres					215.0
			Total Acres					339.0

11. Place of use in counties: CLARK

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

13. Other Water Rights Used:
32-00090B

14. Remarks:

AS PER TRANS #2165.

STOCK DRINK DIRECTLY FROM DITCHES AND CREEK

*** CLAIM AMENDED PURSUANT TO APPROVED TRANSFER 3827, ESV 5/26/99

*** CHANGE OF OWNERSHIP FILED 6/3/99, ESV

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 9/ 6/1922

AGNES B. RENO, ET. AL.

Decree Plaintiff

J. R. RICHARDS, ET. AL.

vs

Decree Defendant

Old (D) Number -

Phone - 208-000-0000

Place of Use									
Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County	
09N	30E	4	NE SW		1.0	01	IRRIGATION	(33)	CLARK
09N	30E	4	NW SW	6	29.0	01	IRRIGATION	(33)	CLARK
09N	30E	4	SW SW	7	36.0	01	IRRIGATION	(33)	CLARK
09N	30E	4	SE SW		29.0	01	IRRIGATION	(33)	CLARK
09N	30E	4	SW SE		2.0	01	IRRIGATION	(33)	CLARK
09N	30E	5	SE NE		5.0	01	IRRIGATION	(33)	CLARK
09N	30E	5	NE SE		20.0	01	IRRIGATION	(33)	CLARK
09N	30E	5	SE SE		2.0	01	IRRIGATION	(33)	CLARK
09N	30E	9	NW NE		20.0	01	IRRIGATION	(33)	CLARK
09N	30E	9	SW NE		31.0	01	IRRIGATION	(33)	CLARK
09N	30E	9	NE NW		40.0	01	IRRIGATION	(33)	CLARK
09N	30E	9	NW NW		20.0	01	IRRIGATION	(33)	CLARK
09N	30E	9	SW NW		4.0	01	IRRIGATION	(33)	CLARK
09N	30E	9	SE NW		38.0	01	IRRIGATION	(33)	CLARK
09N	30E	9	NE SW		24.0	01	IRRIGATION	(33)	CLARK

Water right number - 32-00067

Prefix Translation: WATER RIGHT

+ - - - - Place of Use - - - - - +								
Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
09N	30E	9	SE SW		2.0	01	IRRIGATION	(33) CLARK
09N	30E	9	NW SE		32.0	01	IRRIGATION	(33) CLARK
09N	30E	9	SW SE		4.0	01	IRRIGATION	(33) CLARK

Total Acres: 339.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - - Remarks - - - - - +

GEN Combined Right Nos. 32-00067 and 32-00090B shall not exceed a total combined annual volume of 1,186.5 af for the total combined irrigation of 339 acres.

Any other rights from Birch Creek serving the place of use described above that are in excess of one inch per acre of water or 6.78 cfs, shall be transferred to other lands within the next five (5) years or shall be considered abandoned.

The Director retains jurisdiction to determine and assess a delivery loss to be applied at any time water is available for delivery under this approved transfer but would not have been available under the rights appurtenant to these lands prior to approval of this transfer.

+ - - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

+ - - - - - Conditions of Approval - - - - - +

- R04 - Use of water under this water right will be regulated by the
- watermaster of State Water District No. 32D.
- R30 - This right when combined with all other rights shall provide no
- more than .02 cfs per acre nor more than 3.5 afa per acre for
- irrigation of the lands above.
- T04 - Approval of this transfer in no way grants any right-of-way or
- easement for use of a delivery system owned by person(s) other
- than the right owner.
- T07 - The right holder shall accomplish the change authorized by this
- transfer within one (1) year of the date of this approval.
- T08 - Failure of the right holder to comply with the conditions of this
- transfer is cause for the Director to rescind approval of the
- transfer.
- T09 - 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.

Water right number - 32-00067

Prefix Translation: WATER RIGHT

+ - - - Decree Plaintiff - - - +

+ - - - - Decree Defendant - - - +

+ - Decree Date - +

AGNES B. RENO, ET. AL.

J. R. RICHARDS, ET. AL.

09/06/1922

+ - - - - - Comments - - - - - +

Date: 06/19/1996 User Id: PSKAGGS Subject: TRANSFER 3827

Transfer 3827 changes the point of diversion & place of use under all of Right 32-00067, and a portion of Right 32-00090, splitting the right into Parts A & B.

+ - - Audit Fields - 08/18/86 05/22/88 CONVERT 10/09/90 MILLER 01/06/97 JJOHNSON 02/06/98 CLEARFLD
04/10/96 PSKAGGS 06/19/96 PSKAGGS 06/20/96 PSKAGGS 01/06/97 JJOHNSON 02/08/98 CLEARFLD
04/29/99 PSKAGGS

+ - - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Exam to S.O. Date	- 00/00/0000	Verified Date	- 06/24/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	- E015683	Water District	- 320
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	- I
Presumption Flag	-	Name Connector	-	POU Ownership Flag	- Y
SRBA Decreed Flag	-				

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: A32-00067
Date Received: 6/15/1988
Receipt No: M000115
Received By: DW

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: WILLIAM T. SIMMONS 208-663-4322
Address: HC 69 BOX 2510
HAMER, ID 83425
OR
Name: THEOLA SIMMONS 208-663-4322
Address: HC 69 BOX 2510
HAMER, ID 83425

2. Date of Priority: SEP 10, 1882

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
10N	29E	11	NE	NE	SW		CLARK
		14	NW	NE	NE		CLARK
		24	NE	NW	NE		CLARK
			SE	SE	NE		CLARK
	30E	29	SW	NW	SW		CLARK
		32	SE	NW	NW		CLARK
			NW	SE	SW		CLARK

5. Description of diverting works:

PUMPS TO SPRINKLERS AND HEADGATES TO DITCHES FOR FLOOD IRRIGATION

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		
STOCKWATER	01/01	12/31	0.230		

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

A.F.A.

8. Total consumptive use is 2215.0 Acre Feet Per Annum.

A32-00067

Page 1

Date: 04/11/90

MICROFILMED

APR 15 1994

9. Non-irrigation uses
S/1000 RANGE CATTLE

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
10N	29E	11	NW		NW		IRR	30.0
			NW		NW		STOCK	
			SW		NW		IRR	35.0
			SW		NW		STOCK	
			SE		NW		IRR	35.0
			SE		NW		STOCK	
			NE		SW		IRR	30.0
			NE		SW		STOCK	
			NW		SE		IRR	35.0
			NW		SE		STOCK	
			SW		SE		IRR	10.0
			SW		SE		STOCK	
			SE		SE		IRR	40.0
			SE		SE		STOCK	
							Section Acres	215.0
			12	SW		SW		IRR
		SW			SW		STOCK	
						Section Acres	35.0	
		13	NW		NW		IRR	35.0
			NW		NW		STOCK	
SW			NW		IRR	40.0		
SW			NW		STOCK			
NW			SW		IRR	15.0		
NW			SW		STOCK			
				Section Acres	90.0			
14	NE		NE		IRR	35.0		
	NE		NE		STOCK			
	SE		NE		IRR	20.0		
	SE		NE		STOCK			
				Section Acres	55.0			
24	SE		SE		IRR	25.0		
	SE		SE		STOCK			
				Section Acres	25.0			
25	NE		NE		IRR	10.0		
	NE		NE		STOCK			
				Section Acres	10.0			
	30E	19	SW		NW		IRR	30.0

A32-00067

Page

2

Date: 04/11/90

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APR 15 1994

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres	
10N	30E	19	SW	NW		STOCK		
			NW	SW		IRR	10.0	
			NW	SW		STOCK		
			SW	SW		IRR	15.0	
			SW	SW		STOCK		
			SE	SW		IRR	35.0	
			SE	SW		STOCK		
			SW	SE		IRR	20.0	
			SW	SE		STOCK		
			Section Acres					110.0
		29	SW	SW		IRR	20.0	
			SW	SW		STOCK		
			Section Acres					20.0
		30	NE	NE		IRR	10.0	
			NE	NE		STOCK		
			NW	NE		IRR	20.0	
			NW	NE		STOCK		
			SW	NE		IRR	30.0	
			SW	NE		STOCK		
			SE	NE		IRR	20.0	
			SE	NE		STOCK		
			NE	NW		IRR	20.0	
			NE	NW		STOCK		
			NW	NW		IRR	35.0	
			NW	NW		STOCK		
			SE	NW		IRR	35.0	
			SE	NW		STOCK		
			Section Acres					170.0
		32	NW	NE		IRR	5.0	
			NW	NE		STOCK		
			SW	NE		IRR	15.0	
			SW	NE		STOCK		
			NE	NW		IRR	35.0	
			NE	NW		STOCK		
			NW	NW		IRR	20.0	
			NW	NW		STOCK		
			SE	NW		IRR	40.0	
			SE	NW		STOCK		
			NE	SW		IRR	35.0	
			NE	SW		STOCK		
			NW	SE		IRR	40.0	
			NW	SE		STOCK		
			SW	SE		STOCK		
			SW	SE		IRR	40.0	
			SE	SE		STOCK		
			Section Acres					230.0

MICROFILMED

APR 15 1994

10. Place of Use: Continued

Total Acres 960.0

11. Place of use in counties: CLARK

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

13. Other Water Rights Used:

32-0069, 0068, 0089, 0090, 0093, 0061, 0092

14. Remarks:

AS PER TRANS #2165.

STOCK DRINK DIRECTLY FROM DITCHES AND CREEK

15. Basis of Claim: DECREED

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 Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

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

of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number A32-00067

Date Received

Receipt Number 666903 11000165

RECEIVED

APR 10 1990

Department of Water Resources
Eastern District OfficeAMENDED
NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

APR 10 1990

Department of Water Resources
Eastern District Office

1. Name of Claimant(s)
- Birch Creek Ranches, Inc.
- Phone (208)
- 523-0620
-
- %Holden, Kidwell, Hahn & Crapo

Mailing Address P.O. Box 50130, Idaho Falls, Idaho Zip 83405

2. Date of Priority (Only (1) per claim)
- September 10, 1882

3. Source of water supply (a)
- Birch Creek

which is tributary to (b) Sinks

- 4.a. Location of existing

point of diversion is: Township 10N. Range 29E. Section 11,1/4 of NE 1/4 of SW, Govt. Lot, B.M., County of ClarkAdditional points of diversion if any: T.10N, R.29E, S.14, NE NE; S.24
NW NE, SE NE; T.10N, R.30E, S.29, NW SW; S.32, NW NW, SE SW.

- b. If instream flow, beginning point of claimed instream flow is:

Township Range Section 1/4 of 1/4 of 1/4,Govt. Lot B.M., County of ending point is: Township Range Section 1/4 of1/4 of 1/4 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.
-

Pumps to sprinklers, headgates to ditches for flood irrigation

MICROFILMED

APR 15 1994

6. Water is claimed for the following purposes:

(Both dates are inclusive)

(cfs) (acre feet)

For Irrigation purposes from 04/01 to 11/01 amount 3.2 or _____

For Stockwater purposes from 01/01 to 12/31 amount .23 or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 3.2 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 2215 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.)
Stockwater--1,000 head range cattle.

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

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 instruction for standard symbols.

TWP:RNG:SEC:	NE1/4	:	NW1/4	:	SW1/4	:	SE1/4	:TLS
:	:NE 'NW 'SW 'SE	:	:NE 'NW 'SW 'SE	:	:NE 'NW 'SW 'SE	:	:NE 'NW 'SW 'SE	:
10N:29E: 11:	' ' ' ':	:	' 30' 35' 35:	:	' 30' ' ' ':	:	' 35' 10' 40:	215
:	: 12: ' ' ' ':	:	: ' ' ' ':	:	: ' 35' ' ' ':	:	: ' ' ' ':	35
:	: 13: ' ' ' ':	:	: ' 35' 40' ' ':	:	: ' 15' ' ' ':	:	: ' ' ' ':	90
:	: 14: 35' ' ' 20:	:	: ' ' ' ':	:	: ' ' ' ':	:	: ' ' ' ':	55
:	: 24: ' ' ' ':	:	: ' ' ' ':	:	: ' ' ' ':	:	: ' ' ' 25:	25
:	: 25: 10' ' ' ':	:	: ' ' ' ':	:	: ' ' ' ':	:	: ' ' ' ':	10
10N:30E: 19:	' ' ' ':	:	' ' 30' ' ':	:	' 10' 15' 35:	:	' ' 20' ' ':	110
:	: 29: ' ' ' ':	:	: ' ' ' ':	:	: ' ' 20' ' ':	:	: ' ' ' ':	20
:	: 30: 10' 20' 30' 20:	:	20' 35' ' 35:	:	: ' ' ' ':	:	: ' ' ' ':	170
:	: 32: ' 5' 15' ':	:	35' 20' ' 40:	:	35' ' ' ':	:	: ' 40' 40' ':	230

Total number of acres irrigated 960

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

12. Do you own the property listed above as place of use? Yes X No _____
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.

32-0061C, 32-0068, 32-0069, 32-0089, 32-0090, 32-0091, 32-0092B and 32-0093
or None ()

14. Remarks:

As per Transfer No. 2165; stock drink directly from
ditches and creek.

MICROFILMED

APR 15 1994

Last Name Birch Creek Ranches, Inc. Ident. Number A32-00067

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

If applicable provide IDWR Water Right Number 32-0067
Court Ninth District Court Case Number _____ Decree Date 09/06/1922
Plaintiff vs Defendant Agnes B. Reno, et al. v. J. R. Richards, et al.

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments 0

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 of Birch Creek Ranches, Inc., that I have signed the
Title Organization

foregoing document in the space below as President
Title
of Birch Creek Ranches, Inc. and that the statements contained in the
Organization

foregoing document are true and correct.

Signature of Authorized Agent 2nd T. Simmons

Title and Organization President, Birch Creek Ranches, Inc. Date 4/10/90

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

Subscribed and sworn (or affirmed) before me this 10TH day
of April, 1990.

Notary Public Frank W. Wilson
Residing at Idaho Falls, Idaho
My Commission Expires 11/10/92

17. Notice of Appearance:

Notice is hereby given that I, Kent W. Foster 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 Grant W. Hake
Address P.O. Box 50130, Idaho Falls, Idaho 83405
Date 4/10/90

MICROFILMED

АКР 15 1994

Last Name Birch Creek Ranches, Inc. Ident. Number A32-00067

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: A32-00067
Date Received: 6/15/1988
Receipt No: M000115
Received By: Kew

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WILLIAM T. SIMMONS 208-663-4322
Address: HC 69 BOX 2510
HAMER, ID 83425
OR
Name: THEOLA SIMMONS 208-663-4322
Address: HC 69 BOX 2510
HAMER, ID 83425

A3200067

2. Date of Priority: SEP 10, 1882

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
10N	29E	11	NE	NE	SW		CLARK
		14	NW	NE	NE		CLARK
		24	NE	NW	NE		CLARK
			SE	SE	NE		CLARK
	30E	29	SW	NW	SW		CLARK
		32	SE	NW	NW		CLARK
			NW	SE	SW		CLARK

5. Description of diverting works:

PUMPS TO SPRINKLERS AND HEADGATES TO DITCHES FOR FLOOD IRRIGATION

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		
STOCKWATER	01/01	12/31	0.230		

7. Total Quantity Appropriated is:

3.200 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is 2215.0 Acre Feet Per Annum.

A32-00067

Page 1

Date: 06/15/88

MICROFILMED

APR 15 1984

9. Non-irrigation uses:
S/1000 RANGE CATTLE

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
10N	29E	11	NW		NW		IRR	30.0
			NW		NW		STOCK	
			SW		NW		IRR	35.0
			SW		NW		STOCK	
			SE		NW		IRR	35.0
			SE		NW		STOCK	
			NE		SW		IRR	30.0
			NE		SW		STOCK	
			NW		SE		IRR	35.0
			NW		SE		STOCK	
			SW		SE		IRR	10.0
			SW		SE		STOCK	
			SE		SE		IRR	38.0
			SE		SE		STOCK	
							Section Acres	213.0
		12	SW		SW		IRR	38.0
			SW		SW		STOCK	
							Section Acres	38.0
		13	NW		NW		IRR	35.0
			NW		NW		STOCK	
			SW		NW		IRR	35.0
			SW		NW		STOCK	
			NW		SW		IRR	15.0
			NW		SW		STOCK	
							Section Acres	85.0
		14	NE		NE		IRR	35.0
			NE		NE		STOCK	
			SE		NE		IRR	20.0
			SE		NE		STOCK	
							Section Acres	55.0
		24	NE		SE		IRR	5.0
			NE		SE		STOCK	
			SE		SE		IRR	20.0
			SE		SE		STOCK	
							Section Acres	25.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10N	29E	25	NE	NE		IRR	10.0
			NE	NE		STOCK	
			Section Acres				10.0
	30E	19	SW	NW		IRR	30.0
			SW	NW		STOCK	
			NW	SW		IRR	10.0
			NW	SW		STOCK	
			SW	SW		IRR	15.0
			SW	SW		STOCK	
			SE	SW		IRR	35.0
			SE	SW		STOCK	
			SW	SE		IRR	20.0
			SW	SE		STOCK	
			Section Acres				110.0
		29	SW	SW		IRR	15.0
			SW	SW		STOCK	
			Section Acres				15.0
		30	NE	NE		IRR	8.0
			NE	NE		STOCK	
			NW	NE		IRR	28.0
			NW	NE		STOCK	
			SW	NE		IRR	2.0
			SW	NE		STOCK	
			SE	NE		IRR	2.0
			SE	NE		STOCK	
			NE	NW		IRR	12.0
			NE	NW		STOCK	
			NW	NW		IRR	35.0
			NW	NW		STOCK	
			SW	NW		IRR	5.0
			SW	NW		STOCK	
			SE	NW		IRR	10.0
			SE	NW		STOCK	
			Section Acres				102.0
		32	NW	NE		IRR	5.0
			NW	NE		STOCK	

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
10N	30E	32	SW		NE		IRR	25.0
			SW		NE		STOCK	
			NE		NW		IRR	35.0
			NE		NW		STOCK	
			NW		NW		IRR	15.0
			NW		NW		STOCK	
			SE		NW		IRR	35.0
			SE		NW		STOCK	
			NE		SW		IRR	20.0
			NE		SW		STOCK	
			NE		SE		IRR	2.0
			NE		SE		STOCK	
			NW		SE		IRR	38.0
			NW		SE		STOCK	
			SW		SE		IRR	38.0
			SW		SE		STOCK	
			SE		SE		IRR	20.0
			SE		SE		STOCK	
							Section Acres	233.0
							Total Acres	886.0

11. Place of use in counties: CLARK

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

13. Other Water Rights Used:

32-0069, 0068, 0089, 0090, 0093, 0061, 0092

14. Remarks:

AS PER TRANS #2165.

STOCK DRINK DIRECTLY FROM DITCHES AND CREEK

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

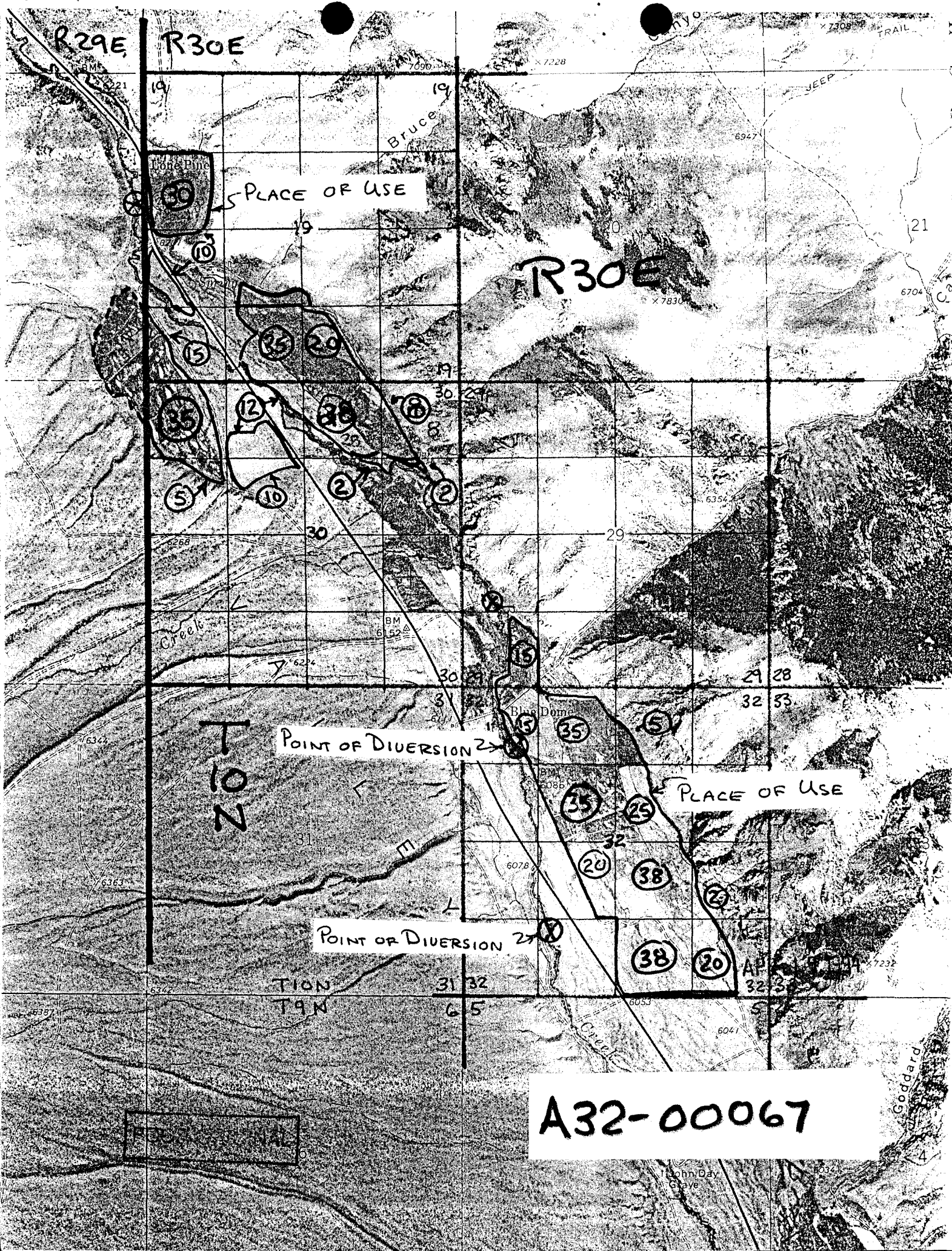
Signature of Claimant(s): Wm T. Simmons Date: 6-15-88

Date: _____

State of Idaho)
County of Clark) SS.

Subscribed and sworn (or affirmed) before me this 15th day
of June 19 88 Carter Fritschle
Notary Public
Seal

Residing at Eagle, Id
My Commission Expires 3-21-94



A32-00067

