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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 32-00068

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

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

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

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

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

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

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

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

11. **I object because:**

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

E. REASONS SUPPORTING OBJECTION(S):

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

F.

VERIFICATION (Must be Completed)

State of Idaho)

) ss.

County of Ada)

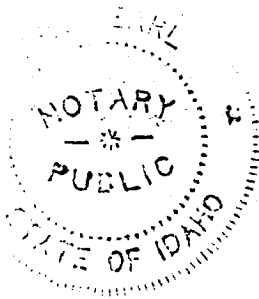
Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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

Fredric W. Price
(Signature of person filing objection)

Larry C. Brown
(Attorney signing in representative capacity)

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



Jean Earl

Notary Public for Idaho

Residing at: Boise

My Commission Expires: 08-01-2002

INSTRUCTIONS FOR MAILING

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

G. CERTIFICATE OF MAILING

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

1. Original to:

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

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

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

Name:
Address: ,

Name:
Address: ,

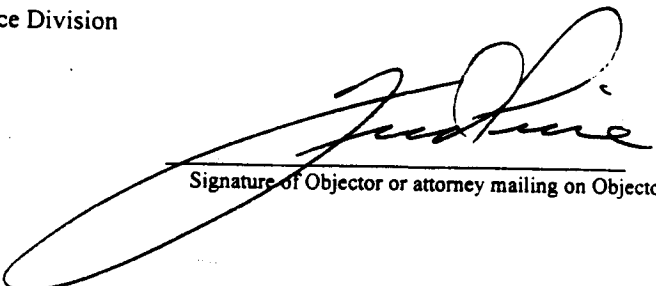
Name:
Address: ,

3. Copies to:

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

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

AJS356NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: OCT-14-1999
PAGE: A-10-----
RIGHTS FROM: SOURCE: BIRCH CREEK TRIBUTARY: SINKS

RIGHT NUMBER: 32-00068

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

SOURCE: BIRCH CREEK TRIBUTARY: SINKS

QUANTITY: 3.2 CFS
560.0 AFY

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

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 3360 AF.
COMBINED RIGHT NOS.: 32-00061C, 32-00073, 32-00077,
32-00078, 32-00079, 32-00085, 32-00086, 32-00087, 32-00089,
32-00090A, 32-00091, 32-00092, 32-00093, 32-00102

PRIORITY DATE: 05/10/1987

POINT OF DIVERSION: T09N R30E S34

SESESW

BLM

Within CLARK County

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

PLACE OF USE:

Issues:

Point of diversion on BLM

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

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

RIGHTS FROM: SOURCE: BIRCH CREEK TRIBUTARY: SINKS

RIGHT NUMBER: 32-00068 (CONT)

PERIOD OF USE: (CONT)

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

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

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 960.0 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS. : 32-00610,
32-00069, 32-00073, 32-00077, 32-00078, 32-00079, 32-00085,
32-00086, 32-00097, 32-00099, 32-00090A, 32-00091, 32-00092,
32-00093, 32-00102

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

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS.

EXPLANATORY MATERIAL : BASIS OF CLAIM - DECREE

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Address: ,

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Address: ,

Name:

Address: ,

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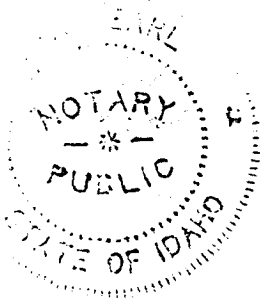
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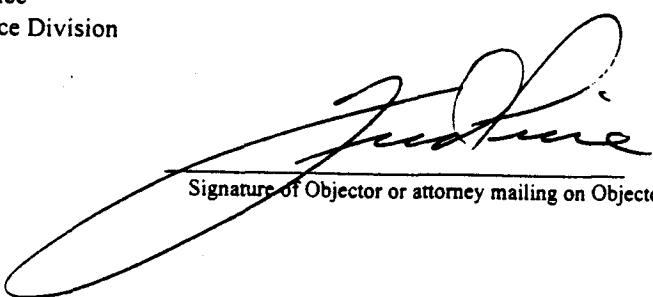
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United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

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


Signature of Objector or attorney mailing on Objector's behalf

AJ5856NP

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32-00068, 32-00069, 32-00070A, 32-00070B, 32-00073, 32-00074,
32-00075, 32-00076, 32-00077, 32-00078, 32-00079, 32-00080,
32-00083, 32-00085, 32-00086, 32-00087, 32-00089, 32-00090A,
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RIGHT NUMBER:	32-00068 (CONT)	

PERIOD OF USE: (CONT)

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THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS.

EXPLANATORY MATERIAL : BASIS OF CLAIM - DECREE

Easter

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5450

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

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

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

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

TRANSFER NO. 5450

Right No. 32-00089	:	05/10/1888	2.50 CFS	160.0	560.0 AF
Right No. 32-00090A	:	05/10/1886	0.80 CFS	80.0	280.0 AF
Right No. 32-00091	:	05/01/1901	0.50 CFS	240.0	212.2 AF
Right No. 32-00092	:	05/10/1888	2.50 CFS	240.0	840.0 AF
Right No. 32-00093		05/10/1886	1.60 CFS	240.0	679.2 AF
Right No. 32-00102	:	05/10/1889	4.00 CFS	120.0	420.0 AF
Right No. 32-00061D	:	05/10/1888	2.80 CFS	140.0	490.0 AF
Right No. 32-00070A	:	08/19/1886	2.40 CFS	120.0	420.0 AF
Right No. 32-02043	:	09/19/1912	6.40 CFS	320.0	1120.0 AF
Right No. 32-00062	:	04/01/1904	3.20 CFS	160.0	560.0 AF
Right No. 32-00070B	:	09/19/1886	0.80 CFS	40.0	140.0 AF
Right No. 32-02045	:	11/16/1912	6.40 CFS	320.0	1120.0 AF
Right No. 32-00063	:	04/01/1904	3.20 CFS	159.2	557.2 AF
Right No. 32-00065	:	05/10/1884	3.20 CFS	160.0	560.0 AF
Right No. 32-00064	:	04/01/1907	3.20 CFS	160.0	560.0 AF
Right No. 32-00066	:	01/05/1910	6.40 CFS	320.0	1120.0 AF
Right No. 32-00074	:	10/01/1910	0.14 CFS	160.0	59.4 AF
Right No. 32-00075	:	05/15/1911	0.26 CFS	160.0	110.4 AF
Right No. 32-00076	:	05/15/1912	0.80 CFS	160.0	339.6 AF
Right No. 32-00083	:	05/15/1912	0.46 CFS	160.0	195.3 AF
Right No. 32-00101	:	06/04/1909	2.90 CFS	160.0	560.0 AF
TOTALS:			* 77.06 CFS	* 3427.0	* 11579.2 AF

BENEFICIAL USE
IRRIGATION

PERIOD OF USE
04/01 to 11/01

SOURCE
BIRCH CREEK

TRIBUTARY OF
SINKS

TRANSFER NO. 5450

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

PLACE OF USE: IRRIGATION

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

TRANSFER NO. 5450

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

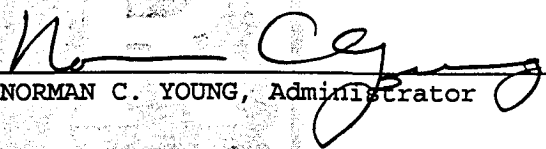
CONDITIONS OF APPROVAL

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

TRANSFER NO. 5450

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

Dated this 23rd day of July, 19 99.


NORMAN C. YOUNG, Administrator

MEMORANDUM

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

FROM: Pam Skaggs^{PS}/State Office

SUBJECT: Transfer 5450

DATE: June 29, 1999

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

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

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

RECEIVED

JUN 18 1999

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

Department of Water Resources
Eastern Region

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

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

Adjudication Claim Number(s) _____

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

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

AND

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

OR

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

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

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

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

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

New Mailing Address: P.O. Box 5,

City, State and ZIP Code: Rexburg, Idaho 83440

New Telephone Number: (208) _____

5. Date you acquired the property _____

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

Number of acres actually irrigated _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes _____ Other uses _____

Cubic Feet per second

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

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

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

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

COPY

QUITCLAIM DEED
FOR
WATER RIGHTS

Microfilm No. 048238
30 Day March 19 99
At 1:40 O'Clock PM
CONNIS OWEN
Clark Co. Recorder
Fee \$ 7.00
Marcia Belcher Deputy
Recorded at Request of
H, K, H & Chap

THIS INDENTURE is made this 10 day of March, 1999, between Birch Creek Ranches, L.L.C., referred to herein as the "GRANTOR" and Reno Ditch Company, Inc., whose principle place of business is in Clark County, Idaho and whose mailing address is P.O. Box 5, Rexburg, Idaho 83440, herein referred to as the "GRANTEE",

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

RIGHT NO.	PRIORITY	AMOUNT	NATURE OF USE	PERIOD OF USE
32-00090A	10 May, 1886	0.80	Irrigation	04/01 to 11/01
32-00093	10 May, 1886	1.60	Irrigation	04/01 to 11/01
32-00068	10 May, 1887	3.20	Irrigation	04/01 to 11/01
32-00061C	10 May, 1888	0.40	Irrigation	04/01 to 11/01
32-00069	10 May, 1888	3.20	Irrigation	04/01 to 11/01
32-00089	10 May, 1888	2.50	Irrigation	04/01 to 11/01
32-00092	10 May, 1888	2.50	Irrigation	04/01 to 11/01
32-00102	10 May, 1889	4.00	Irrigation	04/01 to 11/01

32-00091	1 May, 1901	0.50	Irrigation	04/01 to 11/01
32-00073	15 May, 1909	0.20	Irrigation	04/01 to 11/01
32-00101	4 June, 1909	2.90	Irrigation	04/01 to 11/01
32-00085	10 May, 1910	0.20	Irrigation	04/01 to 11/01
32-00077	15 May, 1910	0.20	Irrigation	04/01 to 11/01
32-00086	1 May, 1911	0.20	Irrigation	04/01 to 11/01
32-00078	15 May, 1911	0.20	Irrigation	04/01 to 11/01
32-00087	1 May, 1912	0.20	Irrigation	04/01 to 11/01
32-00079	15 May, 1913	0.80	Irrigation	04/01 to 11/01

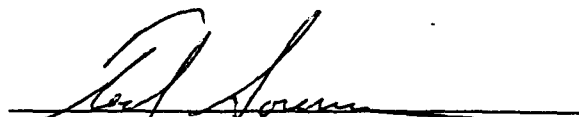
TOGETHER, with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, remainders, or rents, issues and profits therefrom.

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

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

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

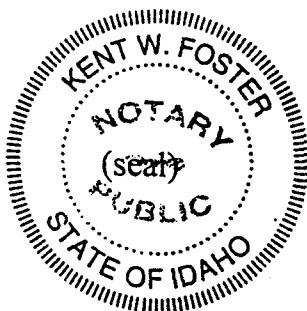
BIRCH CREEK RANCHES, L.L.C.


by Ted Sorenson, Managing Member

STATE OF IDAHO)
)ss.
 County of Bonneville)

On the 10th day of March, 1999, before me, the undersigned, a notary public in and for said State, personally appeared Ted Sorenson, known or identified to me to be the managing member of the limited liability company that executed the instrument or the person who executed the instrument on behalf of said limited liability company, and acknowledged to me that such limited liability company executed the same.

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



G:\WPDATA\KWF\5568\QUITCLAI.BCR:kmc

Kent W. Foster
 Notary Public for Idaho
 Residing at Idaho Falls, Idaho
 My Commission Expires: 11/21/2004

02/9/2001

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

RIGHT NUMBER: 32-68

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

SOURCE: BIRCH CREEK

TRIBUTARY: SINKS

QUANTITY: 3.20 CFS
560.0 AFY

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

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 3360 AF. COMBINED RIGHT NOS.: 32-00061C, 32-00068, 32-00069, 32-00073, 32-00077, 32-00078, 32-00079, 32-00085, 32-00086, 32-00087, 32-00089, 32-00090A, 32-00091, 32-00092, 32-00093, 32-00102.

PRIORITY DATE: 05/10/1887

POINT OF DIVERSION:

T09N R30E S34 SESESW Within CLARK County

PURPOSE AND
PERIOD OF USE:

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

PLACE OF USE:

IRRIGATION Within JEFFERSON County

<u>T08N R31E S12</u>	<u>SESW</u>	<u>40.0</u>	<u>T08N R31E S12</u>	<u>NWSE</u>	<u>40.0</u>
<u>T08N R31E S12</u>	<u>SWSE</u>	<u>40.0</u>	<u>T08N R31E S12</u>	<u>SESE</u>	<u>40.0</u>
<u>T08N R31E S13</u>	<u>NENE</u>	<u>40.0</u>	<u>T08N R31E S13</u>	<u>NWNE</u>	<u>40.0</u>
<u>T08N R31E S13</u>	<u>SWNE</u>	<u>40.0</u>	<u>T08N R31E S13</u>	<u>SENE</u>	<u>40.0</u>
<u>T08N R31E S13</u>	<u>NENW</u>	<u>40.0</u>	<u>T08N R31E S13</u>	<u>NWNW</u>	<u>40.0</u>
<u>T08N R31E S13</u>	<u>SWNW</u>	<u>40.0</u>	<u>T08N R31E S13</u>	<u>SENW</u>	<u>40.0</u>
<u>T08N R31E S13</u>	<u>NESW</u>	<u>40.0</u>	<u>T08N R31E S13</u>	<u>NWSW</u>	<u>40.0</u>
<u>T08N R31E S13</u>	<u>NESE</u>	<u>40.0</u>	<u>T08N R31E S13</u>	<u>NWSE</u>	<u>39.0</u>
<u>T08N R31E S14</u>	<u>NENE</u>	<u>39.0</u>	<u>T08N R31E S14</u>	<u>SENE</u>	<u>39.0</u>
<u>T08N R32E S10</u>	<u>NESW</u>	<u>40.0</u>	<u>T08N R32E S10 Lot 3</u>	<u>NWSW</u>	<u>41.0</u>
<u>T08N R32E S10 Lot 4</u>	<u>SWSW</u>	<u>41.0</u>	<u>T08N R32E S10</u>	<u>SESW</u>	<u>40.0</u>
<u>T08N R32E S10</u>	<u>NESE</u>	<u>40.0</u>	<u>T08N R32E S10</u>	<u>NWSE</u>	<u>40.0</u>
<u>T08N R32E S10</u>	<u>SWSE</u>	<u>40.0</u>	<u>T08N R32E S10</u>	<u>SESE</u>	<u>40.0</u>

<u>T08N R32E S01 Lot 1 NENE 34.0</u>	<u>T08N R32E S01 Lot 2 NWNE 34.0</u>
<u>T08N R32E S01 SWNE 40.0</u>	<u>T08N R32E S01 SENE 40.0</u>
<u>T08N R32E S01 Lot 3 NENW 34.0</u>	<u>T08N R32E S01 Lot 5 NWNW 22.0</u>
<u>T08N R32E S01 SWNW 40.0</u>	<u>T08N R32E S11 NENE 41.0</u>
<u>T08N R32E S11 NWNE 41.0</u>	<u>T08N R32E S11 SENE 41.0</u>
<u>T08N R32E S11 NENW 41.0</u>	<u>T08N R32E S11 NWNW 28.0</u>
<u>T08N R32E S01 SENW 40.0</u>	<u>T08N R32E S11 SWNW 41.0</u>
<u>T08N R32E S11 SENW 41.0</u>	<u>T08N R32E S11 NESW 41.0</u>
<u>T08N R32E S11 NWSW 41.0</u>	<u>T08N R32E S11 SWSW 41.0</u>
<u>T08N R32E S11 SESW 41.0</u>	<u>T08N R32E S01 NESW 40.0</u>
<u>T08N R32E S01 NWSW 40.0</u>	<u>T08N R32E S01 SWSW 40.0</u>
<u>T08N R32E S01 SESW 40.0</u>	<u>T08N R32E S01 NESE 40.0</u>
<u>T08N R32E S01 NWSE 40.0</u>	<u>T08N R32E S01 SWSE 40.0</u>
<u>T08N R32E S12 NWNE 40.0</u>	<u>T08N R32E S12 NENW 40.0</u>
<u>T08N R32E S12 NWNW 40.0</u>	<u>T08N R32E S01 SESE 40.0</u>
<u>T08N R32E S12 SWNW 40.0</u>	<u>T08N R32E S14 NENW 40.0</u>
<u>T08N R32E S14 NWNW 40.0</u>	<u>T08N R32E S15 NENE 40.0</u>
<u>T08N R32E S15 NWNE 40.0</u>	<u>T08N R32E S15 SWNE 40.0</u>
<u>T08N R32E S15 SENE 40.0</u>	<u>T08N R32E S15 NENW 40.0</u>
<u>T08N R32E S15 Lot 1 NWNW 42.0</u>	<u>T08N R32E S15 Lot 2 SWNW 42.0</u>
<u>T08N R32E S15 SENW 40.0</u>	<u>T08N R32E S02 SENE 24.0</u>
<u>T08N R32E S02 SESW 26.0</u>	<u>T08N R32E S02 NESE 40.0</u>
<u>T08N R32E S02 NWSE 24.0</u>	<u>T08N R32E S02 SWSE 40.0</u>
<u>T08N R32E S02 SESE 40.0</u>	<u>T08N R33E S05 Lot 3 NENW 34.0</u>
<u>T08N R33E S05 Lot 4 NWNW 34.0</u>	<u>T08N R33E S05 SWNW 40.0</u>
<u>T08N R33E S05 SENW 40.0</u>	<u>T08N R33E S05 NWSW 40.0</u>
<u>T08N R33E S05 SWSW 40.0</u>	<u>T08N R33E S06 Lot 1 NENE 34.0</u>
<u>T08N R33E S06 Lot 2 NWNE 34.0</u>	<u>T08N R33E S06 SWNE 40.0</u>
<u>T08N R33E S06 SENE 40.0</u>	<u>T08N R33E S06 Lot 3 NENW 34.0</u>
<u>T08N R33E S06 Lot 4 NWNW 17.0</u>	<u>T08N R33E S06 Lot 5 SWNW 20.0</u>
<u>T08N R33E S06 SENW 40.0</u>	<u>T08N R33E S06 NESW 40.0</u>
<u>T08N R33E S06 Lot 6 NWSW 20.0</u>	<u>T08N R33E S06 Lot 7 SWSW 20.0</u>
<u>T08N R33E S06 SESW 40.0</u>	<u>T08N R33E S06 NESE 40.0</u>
<u>T08N R33E S06 NWSE 40.0</u>	<u>T08N R33E S06 SWSE 40.0</u>
<u>T08N R33E S06 SESE 40.0</u>	<u>T08N R33E S07 NENE 40.0</u>
<u>T08N R33E S07 NWNE 40.0</u>	<u>T08N R33E S07 SWNE 40.0</u>
<u>T08N R33E S07 SENE 40.0</u>	<u>T08N R33E S07 NENW 40.0</u>
<u>T08N R33E S07 NESE 40.0</u>	<u>T08N R33E S07 NWSE 40.0</u>
<u>T08N R33E S07 SWSE 40.0</u>	<u>T08N R33E S07 SESE 40.0</u>
<u>T08N R33E S08 NENW 40.0</u>	<u>T08N R33E S08 NWNW 40.0</u>
<u>T08N R33E S08 SWNW 40.0</u>	<u>T08N R33E S08 SENW 40.0</u>
<u>T08N R33E S08 NESW 40.0</u>	<u>T08N R33E S08 NWSW 40.0</u>
<u>T08N R33E S08 SWSW 40.0</u>	<u>T08N R33E S08 SESW 40.0</u>
<u>T09N R32E S36 NENE 40.0</u>	<u>T09N R32E S36 NWNE 40.0</u>

<u>T09N R32E S36 SWNE 40.0</u>	<u>T09N R32E S36 SENE 40.0</u>
<u>T09N R32E S36 NENW 40.0</u>	<u>T09N R32E S36 NWNW 40.0</u>
<u>T09N R32E S36 SWNW 40.0</u>	<u>T09N R32E S36 SENW 40.0</u>
<u>T09N R32E S36 NESW 40.0</u>	<u>T09N R32E S36 NWSW 40.0</u>
<u>T09N R32E S36 Lot 4 SWSW 37.0</u>	<u>T09N R32E S36 Lot 3 SESW 40.0</u>
<u>T09N R32E S36 NESE 40.0</u>	<u>T09N R32E S36 NWSE 40.0</u>
<u>T09N R32E S36 Lot 2 SWSE 40.0</u>	<u>T09N R32E S36 Lot 1 SESE 40.0</u>
<u>T09N R33E S31 NESW 40.0</u>	<u>T09N R33E S31 Lot 3 NWSW 40.0</u>
<u>T09N R33E S31 Lot 4 SWSW 40.0</u>	<u>T09N R33E S31 SESW 40.0</u>
<u>T09N R33E S31 NESE 40.0</u>	<u>T09N R33E S31 NWSE 40.0</u>
<u>T09N R33E S31 SWSE 40.0</u>	<u>T09N R33E S31 SESE 40.0</u>
<u>T09N R33E S32 NENE 40.0</u>	<u>T09N R33E S32 NWNE 40.0</u>
<u>T09N R33E S32 SWNE 40.0</u>	<u>T09N R33E S32 SENE 40.0</u>
<u>T09N R33E S32 NENW 40.0</u>	<u>T09N R33E S32 NWNW 40.0</u>
<u>T09N R33E S32 SWNW 40.0</u>	<u>T09N R33E S32 SENW 40.0</u>
<u>T09N R33E S32 NESW 40.0</u>	<u>T09N R33E S32 NWSW 40.0</u>
<u>T09N R33E S32 SWSW 40.0</u>	<u>T09N R33E S32 SESW 40.0</u>

5723 ACRES TOTAL

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

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

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 960.0 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 32-00061C, 32-00068, 32-00069, 32-00073, 32-00077, 32-00078, 32-00079, 32-00085, 32-00086, 32-00087, 32-00089, 32-00090A, 32-00091, 32-00092, 32-00093, 32-00102.

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

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

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

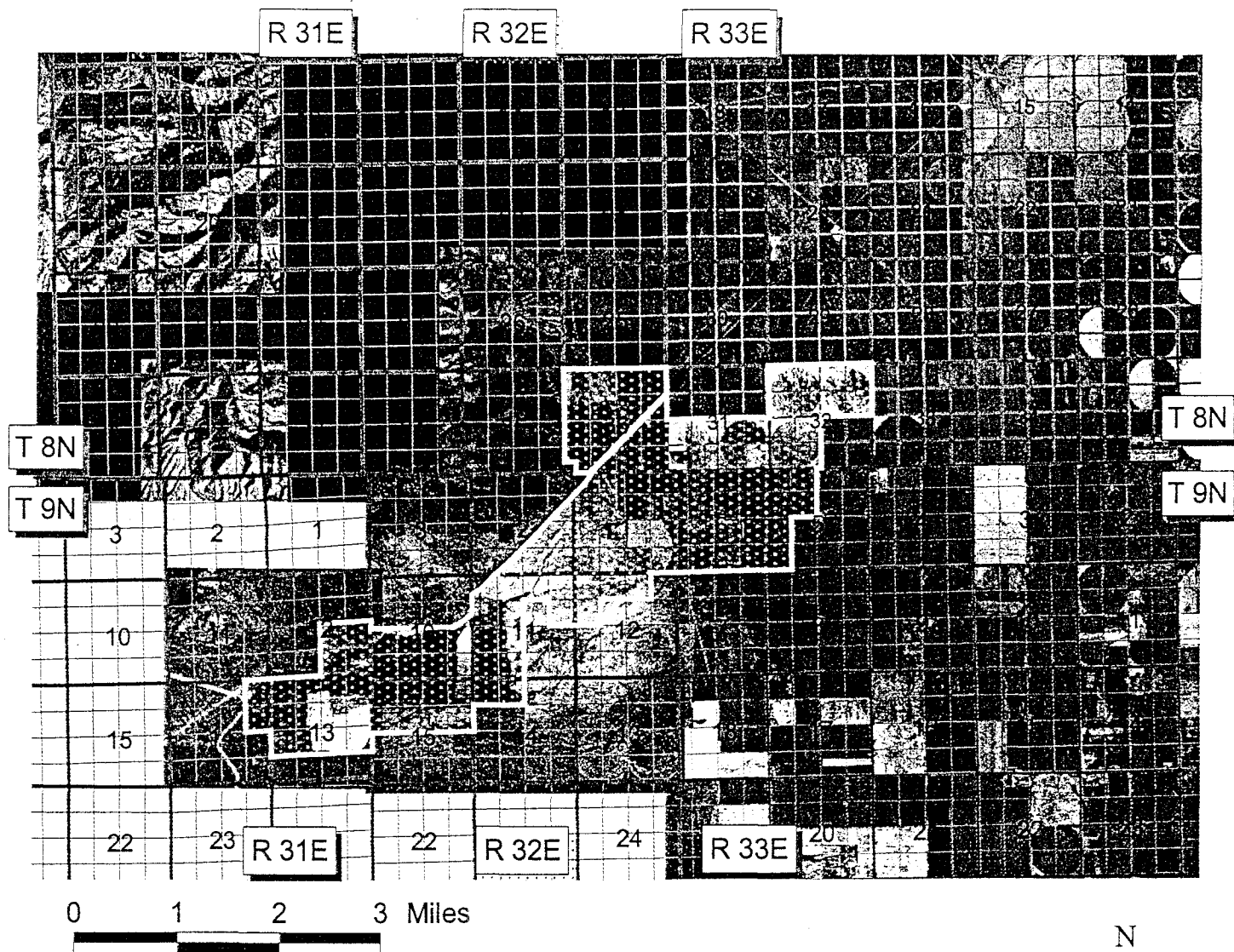
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: Decreed

IDAHO DEPARTMENT OF WATER RESOURCES

The Reno Ditch Company, Inc

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



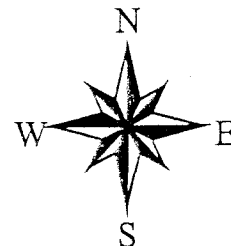
1/4 1/4 Section Lines



Section Lines

Place of Use Boundary

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



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

11/14/2000

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

RIGHT NUMBER: 32-68

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

SOURCE: BIRCH CREEK TRIBUTARY: SINKS

QUANTITY: 3.2 CFS
560 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 3360 AF. COMBINED RIGHT NOS.: 32-00061C, 32-00068, 32-00069, 32-00073, 32-00077, 32-00078, 32-00079, 32-00085, 32-00086, 32-00087, 32-00089, 32-00090A, 32-00091, 32-00092, 32-00093, 32-00102.

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

PRIORITY DATE: 05/10/1887

POINT OF DIVERSION: T09N R30E S34 SESESW Within CLARK County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	4-01 11-01	3.20 CFS 560.0 AFY

PLACE OF USE:

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

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 960.0 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 32-00061C, 32-00068, 32-00069, 32-00073, 32-00077, 32-00078, 32-00079, 32-00085, 32-00086, 32-00087, 32-00089, 32-00090A, 32-00091, 32-00092, 32-00093, 32-00102.

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

PLACE OF USE WITHIN THE BOUNDARY OF THE RENO DITCH COMPANY. TOTAL IRRIGATED ACRES: ~~5,798~~ 6,740.

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE
EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE
ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER
THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6),
IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Stage: DECREED

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

Remarks: USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 3360 AF.
COMBINED RIGHT NOS.: ~~32-00061C, 32-00068~~, 32-00073, 32-00077,
32-00078, 32-00079, 32-00085, 32-00086, 32-00087, 32-00089,
32-00090A, 32-00091, 32-00092, 32-00093, 32-00102

POU1 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 160.0 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 960.0 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: ~~32-00061C, 32-00068~~,
32-00069, 32-00073, 32-00077, 32-00078, 32-00079, 32-00085,
32-00086, 32-00087, 32-00089, 32-00090A, 32-00091, 32-00092,
32-00093, 32-00102

Dates:	Exam Made Date:	Verified Date:	Objection Filed Date:
Misc:	Water District Number: 32D	Field Inspection Flag:	Presumption 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: A32-00068
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

Name: THEOLA SIMMONS 208-663-4322
Address: HC 69 BOX 2510
HAMER, ID 83425

2. Date of Priority: MAY 10, 1887

3. Source: BIRCH CREEK Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4	of	1/4	of	1/4	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:
PUMP TO SPRINKLERS, 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.

A32-00068

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	35.0
			SW		SW		STOCK	
			Section Acres					35.0
		13	NW		NW		IRR	35.0
			NW		NW		STOCK	
			SW		NW		STOCK	
			SW		NW		IRR	40.0
			NW		SW		STOCK	
			NW		SW		IRR	15.0
			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

A32-00068

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		IRR	40.0
			SW		SE		STOCK	
			Section Acres					230.0

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:

32-0089, 0090, 0093, 0067, 0061, 0092, 0069

14. Remarks:

AS PER TRANS #2165.

STOCK WATER 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 ~~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): _____ 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 A32-00068

Date Received

Receipt Number ~~666703~~ M000115

RECEIVED

APR 10 1990

Department of Water Resources
Eastern District OfficeAMENDED
NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAWRECEIVED
APR 10 1990Department 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)
- May 10, 1887

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 of 1/4 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' ':	:	' 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, 32-0067, 32-0069, 32-0089, 32-0090, 32-0091, 32-0092B and 32-0093
or None ()

14. Remarks:

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

MICROFILMED

Last Name Birch Creek Ranches, Inc. Ident. Number AB2-15-1884

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

If applicable provide IDWR Water Right Number 32-0068
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 Kent W. Foster

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

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

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

Notary Public Kent W. Foster
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 Kent W. Foster
Address P.O. Box 50130, Idaho Falls, Idaho 83405
Date 4/10/90

MICROFILMED

APR 15 1994

Last Name Birch Creek Ranches, Inc. Ident. Number A32-00068

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: A32-00068
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

Name: THEOLA SIMMONS 208-663-4322
Address: HC 69 BOX 2510
HAMER, ID 83425

2. Date of Priority: MAY 10, 1887

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:
PUMP TO SPRINKLERS, 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.

A32-00068

Page 1

Date: 06/15/88

MICROFILMED
APR 15 1994

A3200068

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 10N	Range 29E	Section 25	1/4 NE NE	of 1/4 NE NE	Lot	Use IRR STOCK	Acres 10.0
						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:
32-0089, 0090, 0093, 0067, 0061, 0092, 0069

14. Remarks:
AS PER TRANS #2165.
STOCK WATER 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.

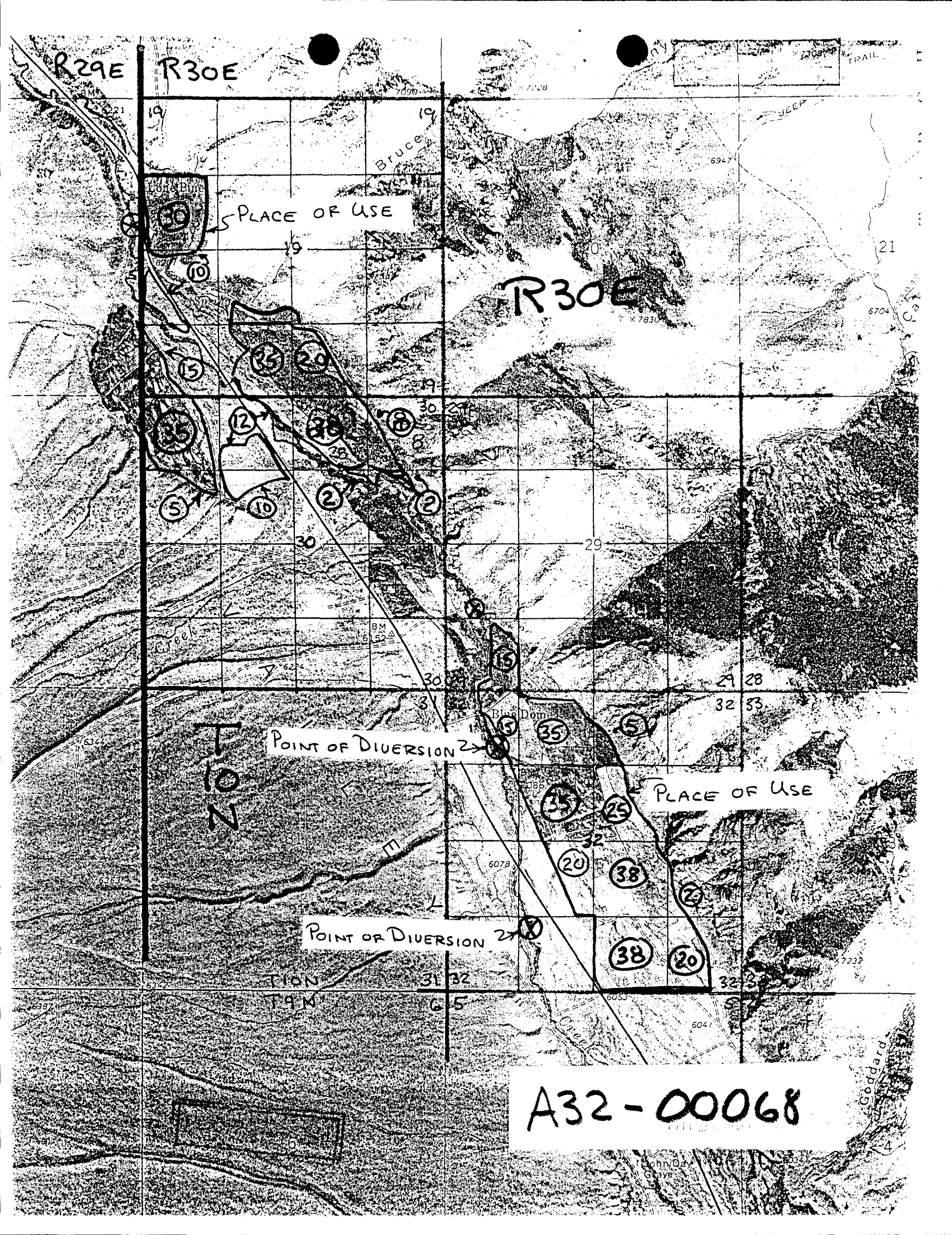
Subscribed and sworn (or affirmed) before me this 15th day

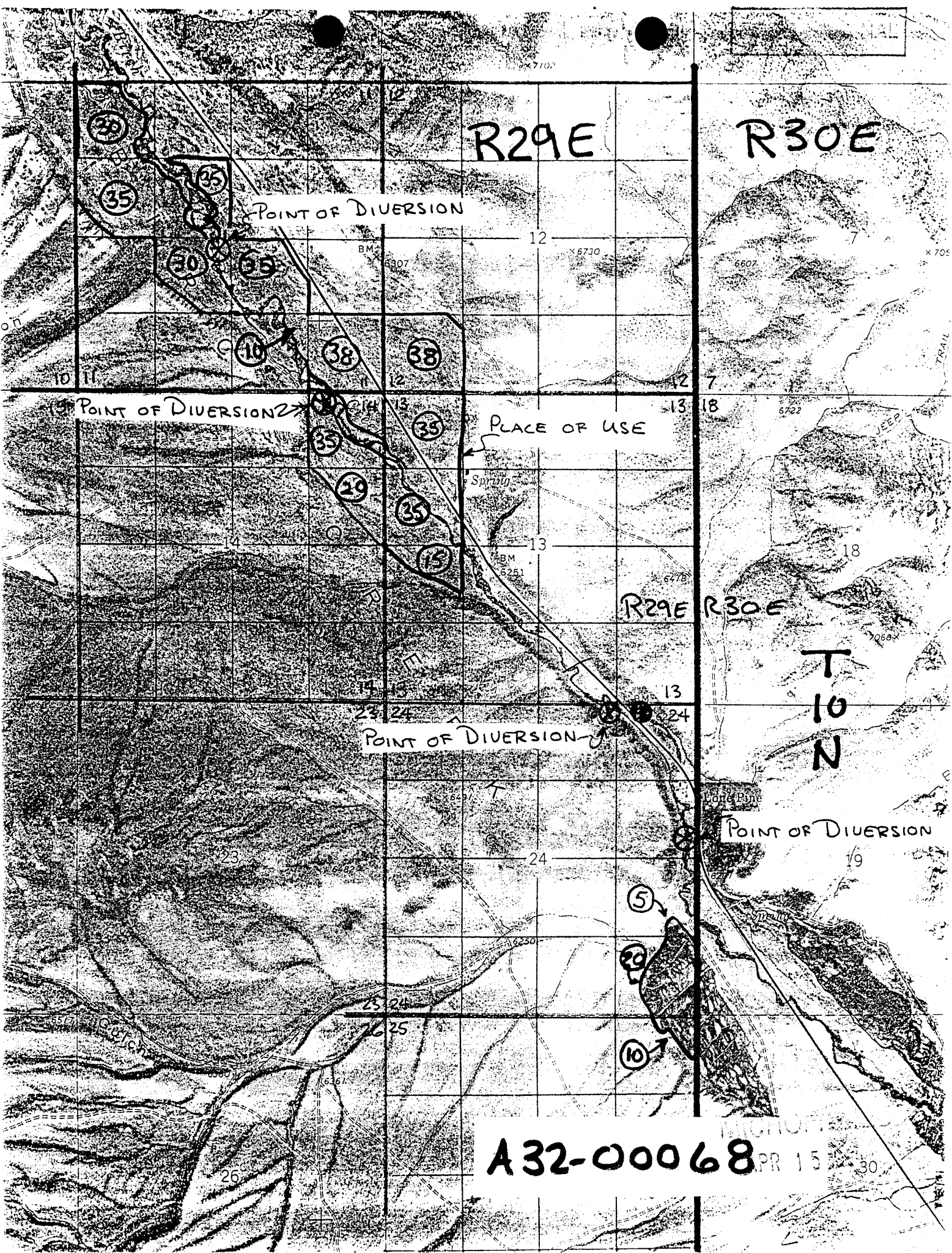
of June 19 88

Carter Fritschle
Notary Public

Seal

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





R29E

R30E

POINT OF DIVERSION

PLACE OF USE

R29E R30E

T
10
N

POINT OF DIVERSION

POINT OF DIVERSION

A32-00068

PR 15 30